



**VILLAGE OF CORRALES
STATE OF NEW MEXICO
ORDINANCE NO. 23-09**

**AN ORDINANCE TO REPEAL AND REPLACE
VILLAGE CODE CHAPTER 6 RELATING TO THE
REGULATION OF ANIMALS**

WHEREAS, the Village finds that a revision of the Animals

Ordinance within the Village Code is critical to aid citizens in accessing and understanding the regulations for the proper treatment of animals; and

WHEREAS, pursuant to §3-18-3 NMSA 1978, the Village may regulate animals, including prohibiting cruelty to animals, and providing for the impounding and disposition of animals found running estray; and

WHEREAS, pursuant to §77-1-1 through §77-1A-6 NMSA 1978, the Village is required to provide by ordinance for the seizure and disposition of dogs and cats running at large and not kept or claimed by any person on the person's premises; and

WHEREAS, the Village finds that regulation of dogs, cats, and other domesticated animals will further protect the health, safety, and welfare of Village residents; and

WHEREAS, the Village has an existing Code relating to the regulation of dogs, cats, and other domestic animals titled "Chapter 6: Animals," which no longer reflects the Villages longstanding practice and belief in the humane treatment and disposition of animals; and

WHEREAS, the following changes support the Village's goal of increasing clarity, readability of the Code and updating the Code based upon changes in the law and changes in Village practices regarding the humane treatment of animals.

27 **NOW, THEREFORE, BE IT ORDAINED** by the Village Council, the Governing

28 Body of the Village of Corrales, that:

29 Chapter Six of the Village Code regarding animals shall be repealed in its entirety and replaced
30 with the following text:

31
32 **Chapter 6.1**

33 (A) The focus of this article is the prevention of cruelty, harm, suffering, abandonment, or death
34 of animals caused by irresponsible pet owners and the criminal acts of callous individuals.
35 Mandatory spay and neuter laws will help stop animal overpopulation.

36
37 (B) This article is also focused on assuring that the Corrales Animal Care Center (CORRALES
38 ANIMAL SERVICES) not only maintains exemplary standards of humane animal care, but
39 promotes community education regarding humane animal care and the importance of spaying
40 and neutering companion animals. It is equally important that the staff of the CORRALES
41 ANIMAL SERVICES reach out to the community in positive ways such as putting forward
42 friendly, helpful customer service including serious efforts to reunite lost animals with their
43 owners and facilitate successful adoptions. The CORRALES ANIMAL SERVICES is charged
44 with implementing and enforcing all portions of this Ordinance. It is the duty of all CORRALES
45 ANIMAL SERVICES employees to protect all animals in Corrales from neglect and abuse and
46 to protect the public from the dangers and nuisance that are possible when irresponsible owners
47 do not take care of their animals according to the requirements set forth in this article. Many
48 animal neglect cases can be beneficially resolved through education, mediation, and counseling.
49 The CORRALES ANIMAL SERVICES shall endeavor to provide such counseling.

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51 (C) CORRALES ANIMAL SERVICES facilities are not just a series of holding pens where
52 animals are incarcerated for doing something wrong. The CORRALES ANIMAL SERVICES
53 will humanely and compassionately care for animals housed at the CORRALES ANIMAL
54 SERVICES facilities by providing a safe haven for animals while trying to reunite lost animals
55 with their owners or find new successful adoptive homes for the animals at CORRALES
56 ANIMAL SERVICES. The employees of CORRALES ANIMAL SERVICES shall be advocates
57 for animals.

58
59 (D) The Village Council intends through this article to deter and modify the habits and conduct
60 of irresponsible pet owners who are the source of public safety problems and the suffering of
61 animals.

62
63 **Section 6.2 Definitions.**

64 The following words, terms and phrases, when used in this chapter, shall have the meanings
65 ascribed to them in this section, except where the context clearly indicates a different meaning:

66 *Abandonment* means to leave an animal without food, water, or shelter for more than
67 twenty-four (24) hours on one's premises or to dump or leave off a domestic animal on property

other than one's own without permission. Abandonment does not include returning a healthy community cat to the property where it was trapped after it was sterilized, ear-tipped, and vaccinated for rabies.

Animal means any vertebrate member of the animal kingdom, excluding man. "Dog" and "cat" means either sex of the canine or feline species, respectively.

Animal services officer means a police officer or a designated, commissioned employee or commissioned contract employee of the Village with the authority to issue citations or otherwise enforce the provisions of this chapter.

Animal services shelter means any pound, lot, premises or building maintained by the Village or its contractor for the care, custody and disposal of animals.

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

Cat means an animal belonging to the species *Felis catus*.

Community cat means a feral or free-roaming cat that is without visibly discernable or microchip owner identification of any kind, and has been sterilized, ear-tipped, and vaccinated for rabies.

Community cat caretaker means a person other than an owner who provides for a community cat.

Dangerous animal means animals which, because of their venomous bite or sting, their size, their propensity to viciousness or aggressiveness, would constitute a significant hazard to the citizens of the Village.

Dog means an animal belonging to the species *Canis lupus familiaris*.

Ear-tipping means the removal of approximately a quarter inch of the tip of a cat's left ear while the cat is anesthetized for sterilization.

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

Estray or running at large means any animal at large beyond the boundaries of the premises of the animal's owner or keeper, unless the animal is under the physical restraint and immediate control of the animals owner or keeper and is on a secure leash no more than eight feet in length.

Euthanasia means the purposeful and painless destruction of an animal by any means, mechanical, chemical or otherwise.

Exotic animals means animals not normally considered domesticated and shall include, but not be limited to:

- (1) Class Reptilia: Order Squamata (such as racers, boas, water snakes and pythons) and order Crocodilia (such as alligators, caimans and crocodiles).
- (2) Class Aves: Order Acciptriformes (such as hawks, eagles, and vultures) and order Struthioniformes (such as ostriches, rheas, cassowaries, and emus).
- (3) Class Mammalia: Order carnivora; family felidae (such as ocelots, lions, tigers, jaguars, leopards and cougars), except commonly accepted domesticated cats; the family canidae (such as wolves, dingos, coyotes, jackals and hybrids produced by breeding these canids with domesticated dogs), except domesticated dogs; family

mustelidae (such as weasels, martens, mink, badgers); family procynidae (raccoon); family ursidae (such as bears); and order edentata (such as sloths, anteaters, armadillos); order proboscidea (elephants); order primata (such as monkeys, chimpanzees, and gorillas); order rodentia (such as porcupines); and order ungulata (such as antelope, deer, bison and camels).

Hobby breeder means any person involved in the controlled breeding of dogs and cats which are registered with a nationally recognized animal registry.

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

Nuisance means, but is not limited to, frequent animal defecation, ~~urination~~, disturbing the peace, emitting noxious or offensive odors or otherwise endangering or offending the well-being of the inhabitants of the Village.

Owner of an animal means a person who owns, harbors, or keeps or knowingly causes or knowingly permits an animal in their care, or who has permitted a stray animal to remain on or about their premises, for at least 14 days. Persons who are attempting to find homes for stray animals need to notify the animal services officer and an extension period up to one month can be given. Owner does not include a community cat caretaker participating in a trap, sterilization, rabies vaccination and return effort to humanely reduce the cat population.

Patrol dog means a trained, attended (accompanied by a human handler) dog with certified canine skills, including, but not limited to, tracking, crowd control, scent detection of narcotics or explosives and building searches. "Patrol dogs" also include such dogs which are certified and trained to aggressively attack upon a handler's command or when the handler is in jeopardy, and then only to thwart the threatened behavior. A patrol dog may be authorized as a site guard dog if certified and trained in those functions.

Premises means a parcel of land and the structures thereon.

Protected furbearer means animals regulated by the state game and fish department's hunting and trapping seasons; they are raccoon, badger, weasel, fox, ringtail, bobcat, muskrat, beaver and nutria.

Quarantine means to detain or isolate an animal suspected of contagion.

Running at Large means to be free of physical restraint beyond the premises of the owner or keeper.

Site guard dog means an unattended dog trained to guard premises and/or vehicle against trespass by unauthorized persons, and based upon its training, is unwilling to leave the protected premises or vehicle without the presence of its handler or owner.

Sterilization means rendering an animal unable to reproduce, either by the spaying of a female animal or by the neutering of a male animal

Unprotected furbearer means animals that are not regulated by the state game and fish department's hunting and trapping seasons; they are skunks and coyotes.

Untreatable suffering means excessive pain or discomfort with an imminent death as the only outcome (for instance, due to trauma or end-stage rabies).

Vaccination means the protection against rabies by inoculation with anti-rabies vaccine, recognized and given in an amount sufficient to provide immunity from rabies for a minimum of one year.

Vermin means a noxious, objectionable, or disgusting animal or animals, especially those of small size that appear commonly and are difficult to control, such as flies, lice, bedbugs, cockroaches, mice, and rats.

Vertebrate pest means any vertebrate member of the animal kingdom which does damage to man or the environment. Such term includes rodents, carnivores, other mammals, birds, reptiles and amphibians, and fish.

Vicious animal means any animal which bites or in any other manner attacks or attempts to attack a person or animal, except an animal that bites or attacks any person or animal who is unlawfully upon the owner's premises, or an animal which is provoked to attack.

History: Ord. No. 249, § 2, adopted 11-24-92; Ord. No. 11-011, adopted 5-24-11.

Section 6.3 Penalty for violation of chapter.

Any person convicted of a violation of any provision of this chapter shall be guilty of a misdemeanor and shall be punished in accordance with Section 1-6. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this section.

REQUIRED CARE AND MAINTENANCE FOR MAMMALS AND BIRDS KEPT ON RESIDENTIAL PROPERTY.

(A) Food and Water.

(1) Food. Mammals and birds shall be provided with uncontaminated, edible, nutritious food, which is of adequate quantity as to maintain the normal weight and condition of a healthy Animal. Additionally, the amount of food administered must properly conform to the individual Animal's age and condition.

(2) Water. Mammals and birds shall be provided with constant access to a supply of Potable Water in sufficient amount as to maintain good health as required by the species whether Animals are outdoors or indoors except as directed by a Veterinarian.

(B) Medical Treatment.

(1) Mammal and bird Owners shall provide regular Basic Medical Care and Emergency Medical Care as defined in this article for all their Animals.

(2) No Animal should ever be allowed to suffer due to lack of medical care.

(3) Owners of Companion Animals or ferrets over three months of age shall have the Companion Animals and ferrets Vaccinated against rabies no less frequently than required under state law.

(C) Required Sterilization of Companion Animals. All dogs and cats over the age of six months shall be sterilized by a Veterinarian except as provided herein.

(1) Owners of Companion Animals may seek an exemption from this regulation if sterilization would be dangerous for the Companion Animal due to advanced age or health issues. Such exemption may be granted by Animal Services if the Owner of the Animal can provide proof in the form of a letter from a Veterinarian stating such reasons.

(2) Owners of Companion Animals may buy an Intact Animal Permit for up to four Animals per residence as an exemption to this regulation.

(D) Female Animals in Estrus. While a female Companion Animal is in Estrus, such Animal shall be isolated and protected from interaction with Intact male Companion Animals of the same species unless breeding is intended consistent with the requirements of this article.

(E) Basic Grooming. All Animals shall be groomed in accordance with the definition of Basic Grooming as applicable to the species. Basic Grooming is necessary to maintain the eyes, ears, beaks, hooves, feet, and skin of an Animal in healthy condition. Basic Grooming ensures that the toenails or hooves are not so long as to cause the Animal not to be able to move normally or to cause pain to the Animal. Basic Grooming also includes the Owner providing an Animal with whatever the Animal needs for self-grooming. Grooming the coat on most Animals is necessary to ensure the coat is not matted to the point that it becomes so heavy as to cause skin irritation or trap fecal matter. The Animal shall not be so dirty as to provide a home for parasites and insects. No Animal shall be allowed to have foreign objects imbedded in its skin, fur, or hair other than the required Microchip for Companion Animals.

(F) Environmental Enrichment. Owners shall provide safe products, appropriate for the species, that will stimulate mental, physical, and grooming activities.

(G) Permanent Identification. All Companion Animals shall be Permanently Identified by a Microchip or Tattoo. Microchipping shall be available for a minimal fee at Corrales Animal Services for Low Income Persons and Seniors. It is the Owner's responsibility to contact Corrales Animal Services for information regarding using a Tattoo as a Permanent Identification.

Section 6.4 Vaccination of dogs and cats required.

Dogs and cats over the age of three months shall be vaccinated against rabies. The animal shall receive a booster within the 12-month interval following the initial vaccination. Every domestic dog and cat shall be revaccinated against rabies within 12 months if a 1-year vaccine is administered or within 36 months if a 3-year vaccine is administered with a rabies vaccine

licensed by the United States Department of Agriculture and administered according to label recommendations. The (Compendium of Animal Rabies Control (CARC), (published by the National Association of Public Health Veterinarians, Inc. shall be the reference for the route of inoculation and the type of vaccine. All anti-rabies vaccine shall be administered by a licensed veterinarian. The veterinarian who administers the anti-rabies vaccine shall furnish the owner with a tag which shall be affixed by the owner to the collar or harness of the animal and shall be worn at all times.

Section 6.5. Licensing and vaccination requirements for dogs and cats.

- (a) *Vaccination*, license required. No person shall own, possess, or keep any dog or cat within the Village unless such animal is vaccinated and licensed with a Village pet license.
- (b) *Certificate of vaccination*. All owners or persons applying for a Village animal license shall present a current anti-rabies vaccination certificate. No license or tag shall be issued without compliance with Section 6-3.
- € *Issuing agency; register*. The control of issuing Village animal licenses and tags shall be the responsibility of the Village Clerk or the Clerk's designated representative, who shall maintain a register containing the following information:
 - (1) Date and number of each license and tag issued;
 - (2) Name and address of owner; and
 - (3) Type and date of anti-rabies vaccinations.
- (d) *Animal services officers; reports*. The Village Clerk may delegate authority and responsibility to the designated animal services officer to assist in the issuance of licenses and tags. The clerk shall assign licenses and receipt books to the animal services officer and require monthly reports reflecting information pertaining to licenses and tags sold and an accounting for any fees collected.
- (e) *Issuance of license and tag*. The Village Clerk or animal services officer, upon receiving proof of anti-rabies vaccination, shall issue to the owner a license and serially numbered tag.
 - (1) Owners will be allowed a ten-day grace period to license their animals with the Village from the date of renewal of the rabies vaccination.
 - (2) The license shall contain the information required in Subsection (c)(1) of this section. Licenses and tags may be issued for a period of up to three (3) years but shall in any event expire no later than the expiration date of the current rabies vaccination.
- (f) *Fees*. The fees for scheduled licenses and tags under this chapter shall be as determined from time to time by resolution of the Governing Body.
- (g) *Transfer of license or tag prohibited*. No person shall use any vaccination certificate or issued license or tag for a different dog, cat or animal than the animal for which the certificate or license was issued.

- (h) *Transfer of ownership.* If there is a change in owner of a licensed dog or cat, the new owner may have the current license or tag transferred upon payment of a transfer fee of \$1.00.
- (i) *Guide dogs, hearing aid dogs exempt from fees.* Any guide dog trained to lead a blind person, and any hearing aid dog trained to aid a deaf person, or any dog trained to aid a handicap person, shall be exempt from the licensing fees of this section, but must otherwise comply with all requirements of this chapter.
- (j) *Site guard dogs and patrol dogs.* Site guard dogs or patrol dogs shall be required to meet vaccination and licensing standards of this section. Additionally, privately owned site guard dogs or patrol dogs shall be identified to and registered with the chief of police or their designee, who shall ensure that the animal's training and certificate meet the professional standards. Under no circumstances will a dog, whether privately, commercially or municipally owned, be allowed to be utilized as a site guard dog or as an attended patrol dog within the Village unless registered with the chief of police.
- (k) *Hobby breeder and exotic animal permits.*
- (1) *Application.* An application for a hobby breeder permit and an exotic animal permit shall be filed on forms provided by the Village, which shall require such information as to assure the Village that the applicant has the proper knowledge and facilities to care for the animals in a manner that protects the public and the animals.
- (2) *Permit requirements.* The following permit requirements shall apply for hobby breeders and exotic animal permits:
- a. All permits are not transferable from one person or place to another person or place.
 - b. A valid permit shall be posted in a conspicuous place at every permitted premises.
 - c. A permit holder shall notify the animal services officer in writing of any changes in their operations which may affect the status of the permit and shall keep the animal services officer apprised of any change of the activities covered by the permit.
 - d. There shall be kept at each permitted premises a record of all animals owned, purchased or received, and a record of their final disposition. Owners of dogs and cats shall have records of all required vaccinations for every animal they own.
 - e. Holders of a hobby breeder permit will be exempted from having individual pet licenses for their dogs or cats as required in Section 6-4(a).
 - f. Hobby breeder permits shall expire on December 31 of each year. Renewal of permits shall be filed 30 days before the date of expiration. Failure to renew permits as specified shall result in the assessment of a penalty fee of \$10.00 in addition to the cost of the permit.
 - g. Along with all the facilities and care standard requirements for permitted premises in this chapter, exotic animals shall also be kept and cared for so that they do not endanger the safety of any persons or property. Owners and keepers of exotic animals shall comply with all federal and state laws, regulations and statutes regarding exotic animals.

- 309 h. The holder of an exotic animal permit must notify the animal services department
310 when changing their residence or the location of the animal, or selling or
311 otherwise disposing of the animal for which the permit was issued.
- 312 i. Impoundment. The animal services officers may impound any exotic animal for
313 failure to comply with this chapter by using a procedure which is most likely to
314 protect the public in the case of a dangerous exotic animal.
- 315 j. Exclusion. Notwithstanding the above provisions of this subsection, veterinary
316 hospitals, humane society shelters, educational or scientific facilities are excluded
317 from the provisions of this Subsection 6-4(k); provided, that protective devices
318 adequate to prevent such animals from escaping or injuring the public are
319 provided.

320

321 **Section 6.6 License tags and Microchips.**

- 322 (a) The animal license tag issued to the owner under this chapter shall be a metallic or plastic
323 tag bearing the license number and year during which it is issued. The shape or color of the
324 tag may be changed from year to year.
- 325 (b) The owner shall ensure that their dog wears the issued license tag attached to a collar or
326 harness at all times, except show dogs.
- 327 (c) Cats are required by this chapter to be licensed and vaccinated, but do not have to wear the
328 tags. Such tags must, however, be available on the owner's premises.
- 329 (d) If a license tag issued under this chapter is lost or destroyed, the owner may obtain a
330 duplicate tag upon presentation of the license and the payment of a replacement fee of
331 \$1.00.
- 332 (e) Site guard dogs will display or wear the license tag affixed to a minimum one-inch wide,
333 heavy duty collar, which will be fluorescent red or orange in color, to render the animal
334 identifiable if the animal is unattended or away from protected premises.
- 335 (f) Patrol dogs shall not be required to display or wear the license tag affixed to a collar.
336 However, the owner or handler shall ensure that the applicable tags are readily available for
337 verification of vaccination or license status.
- 338 (g) All residents of Corrales who own Companion Animals shall have a microchip implanted
339 and registered with the appropriate microchipping company for each Companion Animal
340 they own that is over the age of three months.

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342 **Section 6.7 Impoundment.**

- 343 (a) It shall be the duty of the designated animal services officer to capture and confine all
344 animals estray or running at large within the Village. Such animals, unless claimed by their
345 owner or adopted as provided in this section, shall be confined, housed and fed for a
346 minimum of three days for unlicensed animals, or five days for licensed animals. During the

confinement period, the animal services officer shall make reasonable efforts to contact the animal's owner and advise of the animal's confinement.

(b) The adoption fee to adopt an animal shall be fixed by the Village Governing Body and incorporated into the Village fee schedule. Adoption fees shall include the cost of the requisite vaccines for the animal and the cost of spay or neuter for animals over six (6) months of age. Dogs shall be vaccinated for DHPP (distemper, hepatitis, parainfluenza parvo) and leptospirosis. Cats shall be vaccinated for feline rhinotracheitis, calicivirus, leukopenia and chlamydia psittaci (respiratory complex).

(c) If the impounded animal's owner is identified and contacted, the animal will be released to the owner upon the payment of an impoundment fee As set forth in the Village fee schedule, with fees established for the first impoundment during a 12 months period, an additional fee for the second impoundment in the same 12 month period, and an additional fee for each subsequent impoundment during the same 12 month period. In addition, the animal's owner shall pay a confinement fee of the current contract price, for each day that the animal was confined.

(d) If a stray is not sterilized, the animal will be spayed or neutered before being made available for adoption. If a stray, unsterilized animal is claimed by the owner, the owner shall either pay a deposit that is refunded upon proof of sterilization within 30 days of release, pay for an intact animal permit, or reimburse the Village for the cost of sterilization.

(e) At the end of the minimum confinement period under this section, the impounded animal shall be made available for adoption or fostering through any means reasonably available to the Village, including but not limited to adoption through public or private animal shelters and humane organizations having policies consistent with the Village's "no-kill" policy as set forth in Section 6-12. Such shelter or humane organization shall also have a standing policy that all dogs and cats made available for adoption shall be spayed or neutered and have an ID chip inserted before they are adopted, or in the case of very young animals as soon as practicable following adoption.

(f) Any person finding an unattended animal upon their premises may have the animal removed by an animal services officer to any private or public animal shelter, which shall take possession of the animal, pending proper disposition by the animal services officer. If no shelter is available, the person finding the unattended animal on their premises may hold the animal in their possession and expeditiously notify the Village police department or animal services officer of the animal's status, provided the animal's physical description and license or owner identification is available.

(g) An animal that has bitten a person shall be confined securely at a place determined by the animal control officer for a period of ten days. The owner of the animal shall be responsible for and bear all costs of the confinement. The animal control officer may consent to confinement on the owner's premises only if the animal has a current rabies vaccination prior to the bite. The confinement premises shall be inspected and approved for such purpose by the animal control officer. If the animal has not been vaccinated for rabies, it shall be taken to an approved boarding kennel for rabies observation for a required period of ten days by the animal control officer. If the owner does not want to maintain ownership of the animal, it can be turned over to the animal control officer and the animal may be humanely destroyed so the brain of the animal can be checked for rabies. The primary

consideration in keeping the animal for rabies observation or destroying the animal will be the health and well-being of the bitten person.

Section 6.8 Adoption of impounded animals.

Any impounded animal not claimed by the owner or the owner's representative within the minimum confinement period designated in this chapter may be adopted by another person upon payment of the required fees, and signing a contract to spay or neuter the animal when the animal reaches six months of age. Any animal over six months of age at the time of adoption will be sterilized and microchipped prior to release to the animal's new owner.

Section 6.9 Animal bite incidents.

- (a) If a person is bitten by an animal, the animal services officer, or the Village police department should be notified by the person bitten, the person's parent or guardian or the owner of the animal.
- (b) Any licensed physician who renders medical assistance to a person bitten by an animal shall report the incident to the animal services officer as soon as possible, but not later than 24 hours after rendering treatment. Physicians or other medical personnel shall report the name, gender, and address of the person bitten as well as the type and physical location of the bite or any other pertinent information available.

Section 6.10 Prohibited acts; animal nuisances.

- (a) It shall be unlawful for any person owning, harboring or having the custody or possession of any animal to cause or allow such animal to:
 - (1) Be stray or run at large within the Village limits;
 - (2) Enter into a public building unless such animal is a qualified service animal, trained to lead partially or totally blind persons, aid hearing impaired persons, assist mobility impaired persons, or a patrol dog on official business.
 - (3) Be beyond the boundaries of the premises of the animal's owner or keeper unless the animal is under the physical and immediate control of the animal's owner or keeper and is on a secure leash no more than eight feet in length;
 - (4) Be left unattended in any motor vehicle, truck bed or trailer unless such animal is confined and provided that no portion of the animal's head protrudes beyond the outer boundaries of the motor vehicle, truck bed or trailer. Animals left unattended in cars, vans or RVs must have adequate ventilation to prevent the temperature in the vehicle from rising high enough to cause the animal to suffer from heat exposure. If an animal services officer determines that the animal's safety is in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that

could reasonably be expected to cause suffering, disability, or death to the animal, the animal services officer may take reasonable steps to remove the animal from the motor vehicle without being liable to the owner of the vehicle

(b) It shall be the owner's responsibility to maintain all animal pens, corrals, and property in a sanitary manner so as to prevent noxious or offensive odors that otherwise endanger the health and welfare of the inhabitants of the Village

Livestock or fowl excrement shall be properly disposed of and shall not be allowed to accumulate in amounts that cause unreasonable noxious odors.

(c) It shall be unlawful for any owner or keeper of an animal to allow their animal to make excessive noise and thereby disturb the peace of others or otherwise create a nuisance. Any person whose rest and peace has been disturbed by the excessive noise of any animal shall have the right to file a complaint against the owner or keeper of such animal. Continuous means continuing without interruption for a period of at least 10 minutes, or a series of ten (10) one-minute intervals within a thirty (30) minute timeframe. This provision shall not differentiate from any particular time of the day or night, nor does it discriminate if the owner is present on the premises or not. Intermittent or occasional barking or noise that is common under normal circumstances is not to be considered as disturbing the peace under this section.

(d) It shall be unlawful for any person to keep or harbor a vicious animal within the Village.

(e) A commissioned officer of the Village police department or the animal services officer is authorized to humanely destroy any animal based upon probable cause that the animal is vicious and constitutes a grave physical threat of bodily injury to itself or to another person within the Village.

(f) It shall be unlawful for any owner or person charged with the custody or control of a registered site guard dog to assign or work such dog on private or public premises unless the premises are posted to warn of a site guard dog. The warning shall consist of signs placed at 50-foot intervals around the perimeter of the premises and at all entrances and exits of the premises. Such signs shall measure at least ten inches by 14 inches and shall contain black lettering on a white background with the words, "Warning — Guard Dog on Duty" and the cited warning shall be in common usage English and Spanish. Additionally, the sign shall reflect the name, address and telephone number for absolute 24-hour contact with the unattended site guard dog's owners or handlers.

(g) It shall be unlawful for any owner or person charged with the custody or control of a registered patrol dog to assign or work such dog in or from a motor vehicle within the Village unless such vehicle is enclosed and marked to warn of a patrol dog. The warning shall consist of painted or affixed signs on or at the vehicle's doors which allow access to or egress by the patrol dog. Such signs shall be readily visible and recognizable from a distance of 25 feet and shall be composed of white lettering on a dark colored vehicle background or black lettering on a light-colored vehicle background. The lettering shall consist of the warning; "Caution-Working Patrol dog" and the cited warning shall be in common usage English and Spanish. Additionally, police canine vehicles shall be marked with "Police canine," visible from the side and rear at a distance of 100 feet and the police patrol dogs' off duty domicile or premises shall be marked with the warning signs at the entrances and exits to the premises.

- (h) Any female dog or cat in the state of estrus (heat) shall be confined to a building or other secure enclosure so that contact with a male dog and cat of the same species will be prevented except for intentional breeding purposes. Owners or keepers of dogs or cats who do not comply with this section may be required to place such dog or cat in a boarding kennel or veterinary hospital at the owner's or keeper's expense.
- (i) It shall be unlawful for any person to permit any dog to defecate on public property, unless the waste so produced is immediately removed and properly disposed of by the person having custody of the dog. A violation of this subsection 6-09(i) shall be punishable by a fine of no more than fifty dollars (\$50.00) per occurrence.
- (j) No person shall hold or possess any unidentified or unclaimed animal of which they are not the owner for more than 24 hours, excluding Saturdays and Sundays, without first reporting the possession to the Village of Corrales Animal Services Department. The person may surrender the animal to VOC Animal Services within the first seven days and not be considered the owner. After seven days, the person becomes legal owner of the animal subject to third party claims.

Section 6.11 Permits Required

(A) INTACT COMPANION ANIMAL PERMIT OR ICAP.

Owners of dogs and cats over the age of six months that have not been sterilized shall obtain an Intact Companion Animal Permit for those Animals.

(1) All Intact Companion Animals must be Permanently Identified by a Microchip or other identification method acceptable to the Mayor and registered with the CORRALES ANIMAL SERVICES before an ICAP can be issued.

(2) No Person shall have more than four Intact Companion Animals in any Household.

(3) The Household shall be secure against ingress by Companion Animals of the same species or egress of the Companion Animal for which the ICAP is issued. The Household shall meet the standards of a Secure Facility or a Secure Fence.

(4) If an Intact Companion Animal that has been issued an ICAP is Impounded twice by CORRALES ANIMAL SERVICES, the ICAP will be automatically revoked and the Intact Companion Animal will be required to be sterilized. If an Intact Companion Animal is Impounded twice and must therefore be sterilized, the Permit Holder shall pay CORRALES ANIMAL SERVICES to sterilize the Companion Animal.

(5) If an ICAP Holder wants to breed an Intact Companion Animal or if a female Intact Companion Animal has been impregnated, the ICAP Holder must obtain a Litter Permit prior to the birth of the Litter.

(B) COMPANION ANIMAL LITTER PERMIT.

(1) Owners of female intact Companion Animals must obtain a Litter Permit prior to the birth of a Litter or within one week after the birth of the Litter.

(2) All female Intact Companion Animals must have an ICAP and be Microchipped or otherwise Permanently Identified before a Litter Permit will be issued.

(3) No Person shall apply for or obtain more than four Litter Permits per Household in any consecutive 12-month period.

(4) No Person shall apply for or obtain more than one Litter Permit per female Companion Animal per Household in any consecutive 12-month period.

(5) Litter Permits expire six months from the date of issue.

(6) During the time the Litter Permit is in effect and while the Litter is with the mother, but for no longer than six months from the time of birth of the Litter, the Litter Permit Holder may exceed the Animal Possession Limits in this article.

(7) CORRALES ANIMAL SERVICES may waive the Litter Permit Fee for Rescue Groups and Fosters.

(8) The following Care and Disposition requirements regarding Litter Companion Animals are in effect regardless of whether the Owner of the Litter possesses a Litter Permit:

(a) Puppies and kittens shall have at least the first in any series of required Vaccinations and be de-wormed by a de-worming treatment consistent with the size and age of the Animal before being transferred to a new Owner or otherwise separated from the mother.

(b) Puppies and kittens shall be microchipped or otherwise Permanently Identified prior to being separated from the mother. Proof of Permanent Identification must be provided to CORRALES ANIMAL SERVICES.

(c) The Litter Permit Holder shall upon transfer or conveyance of the kitten or puppy, deliver a complete Vaccination record to the new Owner.

(d) The Litter Permit Holder shall document and retain for inspection the name and address of each recipient of any Litter Companion Animal once owned by the Litter Permit Holder.

(e) The Litter Permit Holder is liable for the medical costs, including medicine, for any puppy or kitten that is diagnosed as sick by a Veterinarian within one week from the date of sale. The Litter Permit Holder shall reimburse the new Owner the costs associated with the sick Animal, up to the amount of money the puppy or kitten was purchased for. The new Owner shall be allowed to keep the puppy or kitten even if the Litter Permit Holder pays the medical costs. The new Owner or the Litter Permit Holder may appeal to the Administrative Hearing Officer if there is a dispute as to the fact of the Illness or the amount of the charges. If the Litter Permit

Holder does not prevail on appeal, the Litter Permit Holder shall reimburse the costs of the appeal to the new Owner.

(f) A Litter Permit is required to advertise any Companion Animal under the age of six months old for sale, gift or other transfer or conveyance, in any local periodical or newspaper of general circulation. The Litter Permit number must be included in any advertisement.

(g) Failure to advertise without including a valid Litter Permit number shall be a violation of this article. Any Person who advertises a Companion Animal and purports in the advertisement to reside outside the Village limits or lists a telephone number outside the Village limits and is subsequently found to maintain Companion Animals inside the Village limits or is found attempting to sell Companion Animals in the Village limits is in violation of this article. Each day of possession of each said Animal will constitute a separate offense.

(h) Puppies and kittens can only be sold, given as a gift or other transfer or conveyance from the location listed on the Litter Permit. Puppies or kittens being sold on public property or commercial property even with the Owner's permission are in violation of this article and the puppies and kittens may be seized.

(i) Puppies and kittens shall not be sold to a Pet Store, Animal Broker or other Animal dealer.

(j) Puppies and kittens shall not be released from the Permitted Premises prior to eight weeks of age.

(9) Medical Waiver Certificate.

(a) If sterilization of a Companion Animal would endanger the health of the Companion Animal due to age or illness, a Veterinarian may complete a Medical Waiver Certificate stating the reasons why the Companion Animal should not be sterilized.

(b) The Medical Waiver Certificate must include a description of the Companion Animal, including the Permanent Identification information.

(c) Upon receipt of a Medical Waiver Certificate, the Mayor may request a second opinion from a different Veterinarian.

(d) The Mayor may direct the CORRALES ANIMAL SERVICES Veterinarian to examine any Animal listed in a Medical Waiver Certificate if there appears to be an abundance of Medical Waiver Certificates from one particular Veterinarian or Veterinary clinic.

(e) If there is a difference of opinion between the two Veterinarians as to whether the Companion Animal may be safely sterilized, a written notice will be provided to the Owner indicating that a Medical Waiver Certificate has been rejected. The Owner will then be required to sterilize the Animal or pay for an Intact Companion Animal Permit. The decision to deny a

Medical Waiver Certificate due to a difference in professional opinions by two Veterinarians may be subject to appeal by the Owner.

(f) Upon the acceptance of a Medical Waiver Certificate by CORRALES ANIMAL SERVICES, the Owner shall be issued an Intact Companion Animal Permit free of charge.

(g) Medical Waiver Certificates shall be valid for one year. Upon expiration of the Medical Waiver Certificate, the Owner shall be required to reapply for the Intact Companion Animal Permit.

Section 6.12 Dogs trained to assist.

(a) It shall be unlawful for any person owning, operating or maintaining any public establishment or premises, into which the general public is invited for any reason, to thwart or exclude therefrom any dog which is trained to assist any blind, deaf or wheelchair-bound person, provided that the dog is attended by or in the company of a blind, deaf or wheelchair-bound person.

(b) It shall be unlawful for any person owning, operating or maintaining any public establishment or premises, into which the general public is invited for any reason, to thwart or exclude any dog identified as an official police patrol dog while that dog and its accompanying police handler are in the legal execution of their mandated duties or otherwise maintaining the peace.

Section 6.13 Cruelty to animals prohibited.

(a) It is unlawful for any person to willfully or maliciously kill, maim, disfigure, beat with a stick, chain, club, or other object, mutilate, burn or scald with any substance, drive over or to otherwise cruelly treat or set upon any animal except that reasonable force may be employed to thwart any vicious animal.

(b) It is unlawful for any person to drive or work any animal cruelly or neglect to provide any animal in their charge or custody, as owner or otherwise, with proper food, drink, shade, care or shelter, or to carry any animal upon any vehicle in a cruel or inhumane manner. Animals carried in the open bed of trucks or trailers must be crated or restrained so that they cannot fall or jump from the truck.

(c) It is unlawful for any person to willfully or maliciously abandon any animal, either healthy or diseased, within the Village.

(d) 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 substances. This does not prohibit the licensed use of an E.P.A. registered pesticide in accordance with special use restrictions for control of vertebrate pests.

- (e) Whenever the animal services officer finds any animal that is or will be without proper care because of injury, illness, incarceration or other absence of the owner or person responsible for the care of such animal, such officer may take such animal into protective care, and in the event of illness or injury, upon the advice of a licensed veterinarian, the animal services officer may take such action necessary to prevent undue pain and suffering, including immediate destruction of the animal. The owners of such animals taken into protective custody shall be responsible for whatever expense the Village incurs for maintaining such animals until a decision is made by a court of law regarding the disposition of the animals.
- (f) Operators of motor vehicles shall immediately upon injuring, striking, maiming or running down any animal within the Village notify the animal services officer or the Village police department, furnishing sufficient facts relative to such incident.
- (g) It is unlawful for any person to promote, stage, hold, manage, conduct, carry on or attend any game, exhibit, contest or fight in which one or more animals are engaged for the purpose of injuring, killing, maiming or destroying themselves or any other animal.
- (i) Extreme cruelty to animals consists of a person:
- (1) intentionally or maliciously torturing, mutilating, injuring or poisoning an animal; or
 - (2) maliciously killing an animal.
- Whoever commits extreme cruelty to animals is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.
- (j) This subsection does not prohibit the capture and humane destruction of a vertebrate pest which is causing damage or nuisance problems to a residence or property, as further provided in Section 6-13.

Section 6.14 Destruction of animals.

- (a) It is the policy of the Village to avoid the killing of animals recovered, impounded or confined by the Village, whether such killing is by euthanasia or otherwise, except only as specifically otherwise provided in this section. Village administration and staff, in cooperation with animal shelters and humane organizations having policies consistent with the Village's "no-kill" policy, shall encourage and promote the fostering or adoption of all animals recovered, impounded or confined by the Village.
- (b) An animal at large or impounded by the Village may be destroyed by an officer of the Village or by a licensed veterinarian contracted by the Village only if (1) the animal constitutes a clear and immediate threat to public health and safety; or (2) to eliminate untreatable suffering of the animal. Such destruction shall be by euthanasia unless emergency circumstances render euthanasia impossible.
- (c) Nothing in this Chapter shall be construed to prohibit the raising and the humane slaughter of livestock for food, nor to prohibit the conduct of agricultural operations in accordance with the Right to Farm Act (Sections 47-9-1 through 47-9-7, NMSA 1978).

Section 6.15 Vertebrate pest control.

The animal services department recognizes the need for vertebrate pest control for the protection of human health and safety and for the protection of private and public property within the Village. This work may be performed by private citizens on the land that they own or lease, and by federal, state, or local government employees. All persons shall work in compliance with all applicable federal, state, county and local laws and regulations. It is recognized that various levels of protection exist for animal species and that this section will not attempt to override or lessen those protections. This section will work within those laws afforded for animals. The animal services officers have the authority to approve or disapprove of methods used to perform vertebrate pest control that are not otherwise specified in this section.

- (1) Pest control methods requiring authorization. Landowners and other agency personnel will be required to receive prior authorization from the animal services department for the following methods of vertebrate pest control:
 - a. Beaver live trap. Trap is to be checked every 12 hours and all animals trapped will be removed.
 - c. Chemical immobilization.
 - d. Scaring devices.
 - e. Quick-kill traps. Quick-kill traps (i.e., Conibear or other similar traps) size no. 220 or larger may be used only for water sets. Such trap must be checked every 24 hours and all animals trapped will be removed. The entire trap must be below water level.

No leg hold traps shall be used within the Village of Corrales to trap animals.(2) Pest control methods not requiring authorization. The following methods of vertebrate pest control will not require authorization from the animal services department, but may only be performed by private citizens within the confines of their own property:

- a. Quick-kill traps (i.e., Conibear or similar traps) size no. 110 or smaller may be used on land or water sets.
- b. Quick-kill traps for the control of gopher, mole, rat and mouse species.
- c. Live traps (except beaver):
 1. All domestic cats or dogs will be turned over to a Village animal services officer. Animal services officers may assist residents in removing animals from traps. Only Village animal services officers or the resident where the live trap is placed may remove any animals caught in the trap.
 2. Traps are to be checked every 12 hours.
 3. Issued live traps. The animal services officer can be contacted for issuance of live traps for a resident's temporary use. It is not a violation of this section or any other section of this chapter for a resident to own traps as long as they meet the requirements specified in this section.

- d. Pesticides. Pesticide use will be allowed as long as it is an E.P.A. registered pesticide and is used in accordance with special use restrictions for the control of vertebrate pests or vermin.

Section 6.16 Restraint of dogs.

- (a) Except as provided in Subsection (b) of this Section 6-14, a person may not restrain a dog with a stationary tether. As used in this section, a stationary tether is one used to restrain a dog by tying the dog to any object or structure including without limitation a house, tree, fence, post, garage or shed, by any means including without limitation a rope, cord, leash or running line.
- (b) The prohibition in Subsection (a) of this Section 6-14 does not apply to temporary restraint during a lawful animal event, veterinary treatment, grooming, training or law enforcement activity provided the dog's owner or handler remains with the dog throughout the period of temporary restraint. Nor does this prohibition apply to dogs restrained within personal vehicles, within personal residences or in areas immediately adjacent to residences when an owner or handler has the dog continuously in sight. A person may temporarily tether a dog no longer than is necessary to the person to complete a temporary task.
- (c) Use of a metal chain of any size or length as a stationary or temporary tether or restraint for a dog is prohibited under all circumstances.
- (d) Violation of this Section 6-14 shall be considered cruel treatment of an animal consistent with Section 6-11 of this chapter. A person violating any provision of this Section 6-14 shall, upon conviction, be penalized in accordance with Section 6-2 of this chapter.

Section 6.17 ANIMAL LIMITS AND RESTRICTIONS.

(A) Intact Companion Animals. No person shall own or possess an Intact dog or cat over the age of six months old without a valid Intact Companion Animal Permit except as provided herein.

(B) Breeding Companion Animals. No Person shall own or possess a pregnant female Companion Animal without obtaining a Litter Permit.

(C) Animals At Large. No Person shall cause or allow any Animal, other than Wild Animals not owned by any human, to be At Large whether or not it is accompanied by its Owner.

(1) Unattended Companion Animals are to be restricted by a Secure Fence, in a Secure Facility, Secure Enclosure, secured in the back of a pickup truck, or be inside a vehicle with proper ventilation.

(2) Companion Animals accompanied by a Person must be restrained by a leash no longer than eight feet long held by a Person capable of controlling the Animal or contained by an invisible fence.

(3) Verbal commands do not constitute control of an Animal and any Person accompanying and allowing the Animal to be At Large is in violation of this article.

(4) An At Large Animal shall be Seized and Impounded if the Owner is not available or if the Owner continues to intentionally or negligently allow his or her Animal to be At Large.

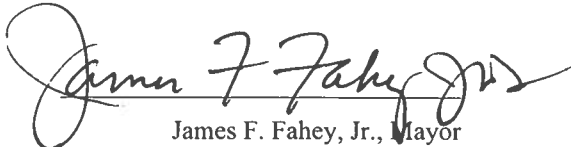
(D) Defecation. No Person shall allow an Animal to defecate upon public property or upon any private property other than the property of the Animal's Owner without thoroughly removing and disposing of the feces.

(E) Unlawful Use of Tags. No Person shall affix an Anti-Rabies tag to the collar or Harness of any Animal other than the Animal for which the Anti-Rabies tag was issued. No Person shall keep, manufacture or use a stolen, counterfeit or forged Animal Anti-Rabies Vaccination certificate or Rabies tag.

(F) Interference With an Animal Control Officer. No Person shall attack, assault or in any way threaten or interfere with an Animal Control Officer or a Reserve ACO in the performance of the duties required by this article.

SEVERABILITY CLAUSE: Should any section, paragraph, clause, or provision of this Ordinance held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

PASSED, APPROVED, AND ADOPTED by the Governing Body of the Village of Corrales this 24th day of October 2023


James F. Fahey, Jr., Mayor

ATTEST:


Melanie L. Romero, Village Clerk

(SEAL)