

TAOS COUNTY ANIMAL CONTROL ORDINANCE 2015-1
Amending, superseding and repealing Taos County Ordinance 2011-1

TAOS COUNTY
ANNA MARTINEZ, CLERK
000405814
Book 888 Page 1
1 of 44
09/10/2015 09:38:48 AM
BY AMANDAA

Part 1: General Provisions

- 1-1 Title
- 1-2 Administration
- 1-3 Authority
- 1-4 Issuance of Citations and Grace Period
- 1-5 Enforcement
- 1-6 Complaint Procedure
- 1-7 No Private Cause of Action
- 1-8 Definitions

Part 2: Care, Maintenance, Housing, Restraint and Transportation Standards

- 2-1 Required care and maintenance for Animals kept on residential property
- 2-2 Housing and restraint standards for Animals kept on residential property
- 2-3 Required care and maintenance for Animals kept at boarding kennels, guard dog sites, Animal shelters including the Taos Animal Services Facility and pet stores (non-residential sites)
- 2-4 Housing and restraint standards for Animals kept at boarding kennels, guard dog sites, Animal shelters including the Taos Animal Services Facility and pet stores (non-residential sites)
- 2-5 Standards for grooming parlors and doggie day care facilities
- 2-6 Transporting Animals in vehicles

Part 3: Required License and Permits

- 3-1 Required Taos Companion Animal License
- 3-2 Required Intact Companion Animal License ("ICAL")
- 3-3 Permits: General Provisions
- 3-4 Permit Applications
- 3-5 Permit Holders: Duties and Requirements
- 3-6 Permit Renewals
- 3-7 Multiple Companion Animal Site Permit ("MCASP")
- 3-8 Breeder Permit ("BP")
- 3-9 Companion Animal Litter Permit ("CALP")
- 3-10 Exotic or Wild Animal Collection Permit ("EWACP")
- 3-11 Dangerous Dog Permit ("DDP")
- 3-12 Potentially Dangerous Dog Permit ("PDDP")
- 3-13 Guard Dog Site Permit ("GDSP")
- 3-14 Animal Service Provider Permit ("ASPP")
- 3-15 Pet Store Permit ("PSP")

Part 4: Prohibited Activities

- 4-1 Cruelty to Animals
- 4-2 Specific activities that constitute Cruelty to an Animal
- 4-3 Animal restrictions

- 4-4 Sale or gift of an Animal
- 4-5 Animal racing
- 4-6 Improper disposal of Animals
- 4-7 Animal noise
- 4-8 Animal fights

Part 5: Impoundment of Animals

- 5-1 Impoundment of Animals, Notice Required
- 5-2 Redemption of Impounded Animals

Part 6: Lost and Found Animals

- 6-1 Lost and found Companion Animals

Part 7: Rabies

- 7-1 Rabies

Part 8: Administrative Hearings and Penalties

- 8-1 Inspections and hearing process

APPENDIX A: LICENSE AND PERMIT FEES

PART 1: GENERAL PROVISIONS

Section 1-1 TITLE.

- A. The Board of County Commissioners for Taos County is authorized by Section 77-1-12 and Sections 4-37-1 *et seq* NMSA 1978, to provide for the regulation and control of Animals within the boundaries of the County of Taos.
- B. This Ordinance shall be known and may be cited as the "Taos County Animal Control Ordinance". The short title to this Ordinance shall be "Animal Control Ordinance".
- C. It is the intent of Board of County Commissioners of Taos County that enactment of this Ordinance will protect Animals from neglect and abuse, protect residents from annoyance and injury, promote the health, safety and welfare of the residents and Animals and assist in providing control and recovery of Animals.
- D. The provisions of this Ordinance shall apply throughout Taos County, including on privately owned land and land owned by Taos County, except within the legal jurisdiction of the Town of Taos.

Section 1-2 ADMINISTRATION

The County through an attorney, the Animal Services Officers of Taos County ("ASO's"), the Sheriff of Taos County, and law enforcement officers of the Taos County Sheriff's Department are responsible for the administration and enforcement of provisions of this Ordinance. The Taos County Manager or the Taos County Sheriff shall appoint Animal Services Officers, who shall be authorized to enforce Animal control laws, orders, ordinances, and regulations. Reasonable

rules and regulations may be prescribed by the County to carry out the intent and purpose of this Ordinance, pursuant to standards created by this Ordinance.

Section 1-3 AUTHORITY

The County through an attorney, the Animal Services Officers of Taos County ("ASO's"), the Sheriff of Taos County, or law enforcement officers of the Taos County Sheriff's Department shall have the authority to enforce any local, state, or federal laws, orders, ordinances and regulations that pertain to treatment and/or control of Animals located in the legal jurisdiction of Taos County, New Mexico, including, but not limited to:

- (1) Issue Licenses and Permits for Animals or establishments as required by this Ordinance.
- (2) Microchip Companion Animals, and register microchips both nationally and in a County database.
- (3) Investigate upon probable cause any alleged violation of this Ordinance or any New Mexico law that relates to the care, treatment, control, or the prevention of Cruelty to Animals.
- (4) Take up, and or impound, quarantine, or destroy Animals as required permitted by this Ordinance or New Mexico law.
- (5) Issue citations and prosecute violations of this Ordinance and New Mexico state statutes regarding the care and control of Animals.
- (6) Enter onto and inspect or search the premises and Animals or seize Animals thereon within the County as necessary to perform their duties pursuant to the limits of authority granted by the laws and Constitution of the state of New Mexico. If the Owner or occupant of the premises objects to inspection, a warrant shall be obtained from a court of competent jurisdiction prior to inspection. No warrant shall be necessary if probable cause exists to believe that there is an emergency requiring such inspection or investigation.

Section 1-4 ISSUANCE OF CITATIONS AND GRACE PERIOD

Whenever the Animal Services Officer ("ASO"), or law enforcement officer has probable cause to believe that a person has violated this chapter, they may prepare a criminal complaint to be filed with the Magistrate Court or shall serve the individual with a citation requiring him or her to appear before the Magistrate Court at the date and time stated in the citation or on the subsequent Notice of Hearing. The citation shall contain the name, address and telephone number, if known, of the person violating this chapter, the driver's license number of such violator, if known, the section of the Ordinance allegedly violated, the date and place when and where such person allegedly committed the violation, and the location where such person shall appear in court and the deadline for appearance.

The ASO or law enforcement officer shall present the citation to the person he or she has probable cause to believe violated the code section in order to secure the alleged violator's written promise to appear in court by having the alleged violator sign a copy of the citation. The ASO or law enforcement officer shall deliver a copy of the citation to the person promising to appear. If the alleged violator refuses to give his written promise to appear, the County through an attorney, ASO, or law enforcement officer shall prepare a criminal complaint with the Taos

County Magistrate Court.

Any violations of this Ordinance not punishable as full criminal misdemeanor or felony offenses by state statute shall have a grace period of seven (7) to fourteen (14) days at the discretion of the Animal Services Officer or law enforcement officer to permit the persons to comply with all provisions herein before the issuance of a citation or filing of a criminal complaint.

Section 1-5 ENFORCEMENT

Unless otherwise specified, any person who violates a provision of this Ordinance and, upon conviction thereof, shall be subject to the petty misdemeanor penalty provisions set forth in Section 4-37-3 NMSA 1978, providing for a fine of up to \$300 and/or 90 days imprisonment. Every violation of this Ordinance shall be a separate petty misdemeanor. The Animal Services Officer, law enforcement officers of the Taos County Sheriff's Department, and the County through an attorney are authorized to bring the criminal action authorized herein in any court of competent jurisdiction in Taos County. Nothing herein shall be construed to preclude a conviction for violations of state law.

Section 1-6 COMPLAINT PROCEDURE

A complaint alleging any violation of this chapter may be filed with the Animal Services Officer or Taos County Sheriff's Department by a person who has personal knowledge of such violation and who can identify the Owner of the Animal involved or the premises where the Animal is located. The ASO or law enforcement officer may require the complainant to provide his or her name and address and swear to and affirm the complaint. It is unlawful for any person to intentionally make a report which that person knows to be false at the time of making it. If the County finds probable cause for the violation of the Ordinance after conducting an investigation of the complaint, the County shall give notice of the violation(s) by means of an inspection report, citation, or other written notice.

Section 1-7 NO PRIVATE CAUSE OF ACTION.

Nothing in this Ordinance is intended to create a private cause of action.

Section 1-8 DEFINITIONS

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

ABANDONMENT. An Owner's intentional act of abdicating reasonable care or control of an Animal in a location where any reasonable person would know the Animal has little chance of finding food, potable water or shelter.

ADEQUATE SHELTER. A structurally sound, adequately ventilated, weatherproof structure comprised of materials that minimize injury and discomfort to the Animal consistent with the Animal's species. The structure must be reasonably clean and of a suitable size as to limit overcrowding by properly accommodating the specific Animal. The structure must protect the Animal from extreme conditions.

ADMINISTRATIVE HEARING. The process by which any grievance under this Ordinance is resolved by adjudication.

ADOPTION. The transfer of ownership of an Animal impounded at an ASF to a Qualified Adopter.

ANIMAL SERVICES DIVISION: That division of the County or the County's designated contract agent, or both, which is specifically charged with regulating and enforcing laws dealing with Animal services within its jurisdiction.

ALTER. To render an Animal incapable of reproduction.

ANIMAL. Any living nonhuman mammal, bird, reptile, or amphibian including, but not limited to, bats, Companion Animals, Companion Birds, Domestic Animals, Exotic or Wild Animals and Livestock. For the purpose of this Ordinance, insects and arachnids are not included in this definition of **ANIMAL**.

ANIMAL FIGHTING PARAPHERNALIA. Equipment that any reasonable person would ascertain is used for Animal fighting purposes which includes, but is not limited to:

- (1) Instruments designed to be attached to the leg of a bird, such as a knife, gaff or other sharp instrument;
- (2) Items to train and condition dogs to fight including, but not limited to: hides or other material used as hanging devices to strengthen or condition dogs, wooden sticks or handles used to pry open dog's jaws, performance enhancing drugs or substances, or food or water additives; and,
- (3) The presence of any dog that appears to be a fighting dog alone or together with Animals suspected of being used as bait Animals, including, but not limited to: rabbits, cats and other dogs.

ANIMAL SERVICES DIVISION ("ASD"). That division of the County or the County's designated contract agent, or both, which is specifically charged with regulating and enforcing laws dealing with Animal services within its jurisdiction.

ANIMAL SERVICES FACILITY ("ASF"). Any pound, shelter, lot premises, kennel or building maintained, utilized or contracted by the County for the care and custody of Animals.

ANIMAL SERVICES OFFICER ("ASO"). Any Person employed by the County and charged by the County with enforcement of this Ordinance and to perform other duties as assigned by the County Manager or Sheriff.

ANIMAL SERVICE PROVIDER. Any Establishment that takes temporary possession of an Animal from the Owner, not on the Owner's property, to perform a service for the Animal or Owner, including, but not limited to, Grooming Parlors, Animal day care establishments and Boarding Kennels, but excluding Pet Stores. **ANIMAL SERVICE PROVIDER** does not include a licensed Veterinarian.

AT LARGE. A Companion Animal that is not contained by a secure fence or invisible fence, a secure facility, a secure enclosure or crate, secured in the back of a pickup truck, inside a vehicle with proper ventilation, restrained on a trolley or chain, or restrained on a leash held by a responsible Person capable of controlling the Animal. A Companion Animal located on their own property may be restrained through the use of voice control by the Owner. Companion Animals performing their duties as working animals on farms, ranches, search and rescue operations, ski valleys, or hunting within the boundaries of Taos County are not considered to be At Large Animals.

BAIT ANIMAL. An Animal used to train or condition other Animals to fight and includes, but is not limited to, living dogs, cats and rabbits exposed to attack by other dogs used or trained to be used in dog fighting or to make the attacking Animal more aggressive.

BASIC GROOMING. Examination, attention and acts reasonably necessary to maintain the eyes, ears, beaks, hooves, feet, coat and skin of an Animal in healthy condition.

BASIC MEDICAL CARE. Reasonable medical care required by the species, including, but not limited to, periodic examinations by a Veterinarian, prompt Veterinary care when required, age and species appropriate Vaccinations, Basic Grooming and internal and external parasite control where appropriate.

BITE. A puncture or tear of the skin inflicted by the teeth of a Companion Animal.

BOARDING KENNEL. An Establishment where Animals, other than wild animals and Livestock, are housed overnight for the benefit of the Owner.

BREEDER PERMIT. Permit required for an Owner to intentionally breed a Companion Animal for sale or hobby.

CAGE. A structure for confining birds or Animals, enclosed on at least one side by a grating of wires or bars that lets in air and light.

CHAINING or TETHERING. Confining a dog when unattended by an individual with a tether, rope, chain, or other device to a doghouse, stake, tree, structure or other stationary object.

COMMERCIAL PROPERTY. Any property not zoned for residences under the County Land Use Regulations. A vehicle or other temporary mobile facility used for the purpose of doing business concerning or involving Animals shall also be deemed Commercial Property for the purposes of this Ordinance.

COMPANION ANIMAL. A dog or cat. Livestock as defined in the New Mexico Livestock Code, Section 77-2-1 NMSA 1978 are not Companion Animals.

COMPANION BIRD. A bird commonly kept as a pet by humans and confined on the property of the Owner.

CONFISCATE. The seizure of an Animal by the County with the intent and purpose to divest the Owner of all interest in the Animal and following the procedures set forth in this Ordinance, to convey all rights, ownership and interests in the Animal to the County of Taos for the benefit of the Animal and the public.

COUNTY. The County Manager of the County of Taos or his or her designee, including the County through an attorney, ASO's, and the Taos County Sheriff and deputies of the Taos County Sheriff.

CRUELTY. A Person intentionally killing an Animal without Lawful Justification or mistreating, injuring, maiming, disfiguring, tormenting, torturing, beating, mutilating, burning, scalding, poisoning, attempting to poison or otherwise unnecessarily causing an Animal to suffer physical or emotional harm as defined by this Ordinance.

Nothing herein shall be construed to preclude a criminal conviction for Cruelty or Extreme Cruelty under the New Mexico Cruelty to Animals Act, Section 30-18-1 NMSA 1978, according to state law.

CUSTODY. The possession, control over and responsibility for an Animal by a Person who may or may not be the Owner.

DANGEROUS DOG. A dog that caused a serious injury to a person or domestic Animal, as defined by the New Mexico Dangerous Dog Act, Section 77-1A-1 NMSA 1978, *et seq.*

A dog shall not be declared a Dangerous Dog if:

(A) the dog was used by a law enforcement official for legitimate law enforcement purposes;

(B) the threat, injury or damage was sustained by a person or domestic Animal who was:

- (1) trespassing upon premises occupied by the Owner or the dog;
- (2) provoking, tormenting, abusing or assaulting the dog or had repeatedly, in the past, provoked, tormented, abused or assaulted the dog; or
- (3) committing or attempting to commit a crime; or

(C) the dog was:

- (1) responding to pain or injury;
- (2) protecting itself or its offspring; or
- (3) protecting or defending a human being or domestic Animal from attack or assault.

DOMESTIC ABUSE BOARDING. A program at ASF where Animals owned by a victim of a Domestic Abuse Situation may obtain temporary housing at ASF.

DOMESTIC ABUSE SITUATION. Any offenses defined in the Crimes Against Household Members Act, Section 30-3-10 NMSA 1978, *et seq.*

EMERGENCY MEDICAL CARE. The care required in response to a traumatic injury or rapidly evolving health crisis concerning an Animal.

ESTABLISHMENT. A place of business in a zone other than a Residential Zone together with its grounds and equipment.

ESTRUS. The regularly recurring state rendering a female Animal capable of accepting the male Animal for breeding and conception.

EUTHANASIA. The killing of an Animal in a manner commonly recognized as humane and acceptable by local Veterinarians and state law. Intra-cardiac shots are absolutely prohibited as a form of Euthanasia at an ASF.

EXOTIC OR WILD ANIMAL COLLECTION PERMIT or EWACP. The Permit allowing a Person to own multiple Exotic or Wild Animal within the Taos County Limits consistent with state and federal law.

EXTREME CRUELTY. A Person is guilty of Extreme Cruelty to Animals if a Person intentionally or maliciously tortures, mutilates, poisons, injures or kills an Animal as defined by the New Mexico Cruelty to Animals Act, Section 30-18-1 NMSA 1978.

Nothing herein shall be construed to preclude a criminal conviction for Cruelty or Extreme Cruelty under the New Mexico Cruelty to Animals Act, Section 30-18-1 NMSA 1978, according to state law.

FIGHTING BIRD. A bird that is possessed, reared or trained for use in, or that is actually used in a cockfight or any other fight or contest involving Animals.

FIGHTING DOG. A dog that is possessed, reared or trained for use in, or that is actually used in a dogfight or any other fight or contest involving Animals.

FINDER. Any Person who discovers and temporarily takes possession of an Animal that has been separated from its Owner.

FOSTER. To take temporary Custody of any Animal with the approval of or at the request of an ASF to administer veterinary care, groom, train, provide special feeding, care for or otherwise provide for the Animal.

FOSTER CARE PROVIDER. Any Person who fosters an Animal from or through an ASF to lend aid and comfort and to otherwise assist in making the Animal adoptable or, in the case of Domestic Abuse Boarding, to provide a safe, homelike environment to minimize the negative effects on the Animal of being separated from its family.

FOUND COMPANION ANIMAL. A stray Animal that is temporarily possessed by a Person who has registered with ASF to hold the Animal for reclaim by the Owner or subsequent disposition as provided in this Ordinance.

GROOMING PARLOR. An Establishment that is maintained in whole or in part for the purposes of performing cosmetic services for Animals.

GUARD DOG SITE. An Establishment that utilizes a Guard Dog.

GUARD DOG SITE PERMIT or GDSP. The Permit required for a Guard Dog Site.

HARNESS. With respect to a dog, a properly fitting apparatus that is not abrasive and that restrains the dog by the body and shoulders without the involvement of the neck. With respect to a cat, a properly fitting apparatus that is not abrasive featuring adjustable collar buckles around the neck that are joined to an adjustable girth.

ILLNESS. A malady, injury, impairment, or physical/mental condition that requires veterinary care.

IMPOUND. The taking up of an Animal by an ACO or law enforcement officer for the purpose of confinement of said Animal at an ASF.

INJURED. The condition of an Animal's being harmed, disabled or impaired in a physical sense which is determined by the reasonable objective observation of wounds, injured limbs, broken bones, or disfiguring lacerations.

INTACT COMPANION ANIMAL LICENSE ("ICAL"). The License issued to the Owner of a Companion Animal that has not been Altered.

LAW ENFORCEMENT OFFICER. Any sworn member of the Taos County Sheriff's Department or any sworn officer of any other law enforcement agency authorized and empowered to enforce or execute laws in the County.

LAWFUL JUSTIFICATION. A defense to a charge of Animal Cruelty. Humanely destroying a sick or injured Animal or protecting a person or Animal from death or injury due to an attack by another Animal as described in this Ordinance and the New Mexico Cruelty to Animals Act, Section 30-18-1 NMSA 1978.

LICENSE. A document evidencing approval by the County to possess an Animal.

LITTER. One or more offspring Companion Animals under six (6) months old.

LITTER PERMIT. Permit required by a non-Breeder Owner when an Animal becomes pregnant.

LIVESTOCK. Livestock as defined in the New Mexico Livestock Code, Section 77-2-1 NMSA 1978, *et seq.*, and shall include, but not be limited to, bison, buffalo, cattle, horses, donkeys, mules, chickens, ducks, poultry, llamas, ostriches, emus, rheas, camels, swine, sheep or goats.

LOW INCOME PERSON.

- (A) A Person who possesses:
- (1) An EBT card issued by the state of New Mexico for food stamps ("SNAP");
 - (2) Either the annual letter of statement of benefits or monthly benefit card for Supplemental Security Income ("SSI");
 - (3) An EBT card issued by the state of New Mexico for the Temporary Assistance for Needy Families program ("TANF");
 - (4) A Medicaid health benefit card ("Centennial Care"); or,
- (B) A Person:
- (1) Who signs and submits an affidavit to ASD swearing that his or her income is 100% or less of the current Federal Poverty Level for the size of their household.

MEDICAL WAIVER CERTIFICATE. An affidavit written by a Veterinarian stating why a Companion Animal should not be Altered, Microchipped, or Vaccinated for diseases not mandated by local, state or federal law.

- 1) The Medical Waiver Certificate must include a description of the Companion Animal, including the Permanent Identification information.
- 2) Upon receipt of a Medical Waiver Certificate, the County may request a second opinion from a different Veterinarian.
- 3) ASD may direct the ASF 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.
- 4) If there is a difference of opinion between the two Veterinarians as to whether the Companion Animal may be safely Altered, Microchipped or Vaccinated, written notice will be provided from ASD to the Owner indicating that a Medical Waiver Certificate has been rejected. 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.
- 5) Medical Waiver Certificates shall be valid for two (2) years.

MICROCHIP. A passive transponder which can be implanted in an Animal by injection and which is a component of a radio frequency identification ("RFID") system, but excluding any system that is not compatible with the scanner used by an ASO or ASF. Owners of Companion Animals that present a valid Medical Waiver Certificate stating that the Animal should not be Microchipped may identify their Animals with a license tag containing sufficient information for ASD, the ASF, or any other Person to contact the Owner.

MULTIPLE COMPANION ANIMAL SITE PERMIT ("MCASP"). Permit required to own more than nine (9) Companion Animals.

NEGLECT. The failure of an Owner to provide physical or medical care for an Animal in the Owner's Custody.

OWNER. A Person who possesses an Animal and claims a legally valid right of possession of an Animal superior to the rest of the world. Under this Ordinance, any Person acting as the agent of the Owner and any Person over the age of 18 in a Household and left in charge of an Animal

may be deemed the Owner.

OWNER SURRENDER. The relinquishment by the Owner of all rights to an Animal to ASD.

PERMANENT IDENTIFICATION. Companion Animals are required to have a permanent, easily detectable, identification number applied by a qualified Owner, ASD, or ASF by means of a Microchip. Owners of Companion Animals that present a valid Medical Waiver Certificate stating that the Animal should not be Microchipped may identify their Animals with a license tag containing sufficient information for ASD, the ASF, or any other Person to contact the Owner.

PERMIT. A document evidencing approval by the County to conduct a certain activity with an Animal.

PERSON. An individual, firm, partnership, corporation, company, society, association or legal entity, and every officer, agent or employee thereof.

PERSON IN CHARGE. The individual present or individual in apparent supervision or control of a premises.

PET STORE. An Establishment that, in whole or in part, offers Animals for sale or resale, or sells Animals to consumers or wholesalers.

POTENTIALLY DANGEROUS DOG. A dog that may reasonably be assumed to pose a threat to public safety as demonstrated by the following behaviors: (1) causing an injury to a person or domestic Animal that is less severe than a serious injury; (2) chasing or menacing a person or domestic Animal in an aggressive manner and without provocation; or, (3) acting in a highly aggressive manner within a fenced yard or enclosure and appearing able to jump out of the yard or enclosure, as defined by the New Mexico Dangerous Dog Act, Section 77-1A-1 NMSA 1978, *et. seq.* A dog shall not be declared a potentially Dangerous Dog if:

- (A) The dog was used by a law enforcement official for legitimate law enforcement purposes;
- (B) The threat, injury or damage was sustained by a person or domestic Animal that was:
 - (1) trespassing upon premises occupied by the Owner or the dog;
 - (2) provoking, tormenting, abusing or assaulting the dog or had repeatedly, in the past, provoked, tormented, abused or assaulted the dog; or
 - (3) committing or attempting to commit a crime; or
- (C) The dog was:
 - (1) responding to pain or injury;
 - (2) protecting itself or its offspring; or
 - (3) protecting or defending a human being or domestic Animal from attack or assault.

PROOF OF OWNERSHIP. Any documentation or evidence which proves to the satisfaction of the County that a Person is the Owner of an Animal, including but not limited to a Taos Companion Animal License, Microchip identification, Veterinarian invoice, official registration

or photographs of the Animal.

PROTECTIVE CUSTODY. The temporary control over and care of an Animal at an ASF.

PROVOKED. The response of an Animal that a reasonable Person believes the Animal has taken to defend itself, its Owner or family member, or another Person within its immediate vicinity from assault, actual or perceived, or to defend real property belonging to its Owner or family member.

QUALIFIED ADOPTER. A Person who is 18 years of age or older, who has never been convicted of any form of Animal Cruelty under any law, has not been convicted of any violation of this Ordinance or its predecessor ordinances, has never had any Animal-related permit revoked, has never failed to Reclaim an Animal from an ASF, has not Surrendered an Animal within one year of the time of adoption, and has never been convicted of Child or Domestic Abuse.

QUARANTINE. The segregation of an Animal for any time as required under state law or this Ordinance in order to control the spread of rabies or contagious illness.

RABIES VACCINATION. Inoculation with an anti-rabies vaccine recognized and approved by the state of New Mexico and given in an amount sufficient to provide immunity from rabies for a minimum of one year.

RECLAIM. An Owner's recovery of an Animal that has been impounded at an ASF.

RESCUE GROUP. Those groups approved by the County for the purpose of Adopting Animals from an ASF at a reduced rate to provide needed medical, grooming, behavioral or rehabilitative services in order to facilitate successful adoption of Animals.

RESIDENTIAL ZONE. As defined by Taos County's Land Use Regulations.

RETURN BY ADOPTER. That an Animal has been returned to an ASF within 30 days of Adoption.

SECURE ENCLOSURE. Cage or box that may be portable, from which an Animal is not able to escape or be invaded.

SECURE FENCE. A protective or confining barrier that prevents any Animal from escaping the property on which the Animal is being restricted. The Secure Fence shall also reasonably protect the Animal within the fence from other Animals or people coming into contact with the restrained Animal. This includes a "dog run" type structure.

SECURE FACILITY. A house or building in which an Animal is being restricted that prevents the Animal from being able to escape.

SEIZE. To take Custody of an Animal with or without notice to the Owner or the consent of the Owner. Exigent circumstances must exist if an Animal is taken into Custody without notice to the Owner or the consent of the Owner.

SENIORS. Persons 65 years of age or older.

SERVICE ANIMAL. A dog trained or being trained by a recognized school for training dogs to assist persons with disabilities, an Animal recognized as a service animal pursuant to the American with Disabilities Act of 1990, or, any other Animal approved by the New Mexico Governor's Committee on Disability as acceptable in public places and trained to provide some special assistance to a Person with a disability.

TROLLEY. A cable strung between two fixed and stable points, to which a Companion Animal on a short lead is attached, allowing for freedom of movement.

VACCINATION or VACCINATE. Administer a vaccine to an Animal, including, but not limited to, rabies, distemper, parvo, para influenza, corona virus or bordatella, and other vaccines deemed necessary from time to time by the County or state. Owners of Companion Animals that present a current Medical Waiver Certificate stating that the Companion Animal should not be vaccinated for diseases not mandated by state or federal law due to a threat to the health of the Animal are exempt from the requirement to administer such non-mandatory vaccinations.

VETERINARIAN. A Doctor of Veterinary Medicine licensed to practice in the state of New Mexico.

PART 2: CARE, MAINTENANCE, HOUSING, RESTRAINT AND TRANSPORTATION STANDARDS

Section 2-1 REQUIRED CARE AND MAINTENANCE FOR ANIMALS KEPT ON RESIDENTIAL PROPERTY.

(A) Food and Water.

- 1) *Food.* Animals shall be provided with food of adequate quality and quantity as to maintain the normal weight and condition of a healthy Animal.
- 2) *Water.* Animals shall be provided with access to a supply of water in sufficient amount as to maintain good health as required by the species whether Animals are outdoors or indoors.

(B) Medical Treatment.

- 1) Owners shall provide regular Basic Medical Care and Emergency Medical Care as defined in this Ordinance for all their Animals. No Animal shall be allowed to suffer due to lack of medical care.
- 2) Owners of Companion Animals or ferrets over three (3) months of age shall have their Animals vaccinated against rabies according to state law.
- 3) Owners of Companion Animals that present a valid Medical Waiver Certificate stating that the Companion Animal should not be vaccinated for diseases not mandated by state or federal law due to a threat to the health of the animal are exempt from the requirement to administer such non-mandatory vaccinations.

- (C) *Required Alteration of Companion Animals.* All Companion Animals over the age of six (6) months shall be Altered by a Veterinarian except as provided herein.
- 1) Owners of Companion Animals may seek an exemption from this regulation if Alteration would be dangerous for the Companion Animal due to advanced age or health issues. The County may grant this exemption if the Owner of the Animal can provide proof in the form of a Medical Waiver Certificate stating such reasons.
 - 2) Owners of Intact Companion Animals may buy an Intact Companion Animal License 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 and permitted consistent with the requirements of this Ordinance.
- (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 comfortable and healthy condition. No Animal shall be allowed to have foreign objects imbedded in its skin, fur or hair other than the required Microchip for Companion Animals, Livestock Ear Tags or similarly appropriate devices commonly used for Livestock.
- (F) *Permanent Identification.* All Companion Animals shall be Permanently Identified by a Microchip. Owners of Companion Animals that present a Medical Waiver Certificate stating that the Animal should not be Microchipped may identify their Animals with a License Tag containing sufficient information for ASD, the ASF, or any other Person to contact the Owner.

Section 2-2 HOUSING AND RESTRAINT STANDARDS FOR ANIMALS KEPT ON RESIDENTIAL PROPERTY.

- (A) *Animal Restraint.* All persons owning, having charge, custody or control of any Companion Animal shall keep such Animal reasonably restrained to prevent damage or harm to people and property. Violation of this section is a violation of this Ordinance, and nothing herein shall be construed to preclude criminal or civil remedies available under state law.
- (B) *Animals At Large.* The Owner or custodian of a Companion Animal shall not allow it to run At Large or create a nuisance on another's property, be it public or private, including entering onto roadways, yards, driveways, walkways, or places of recreation.
- 1) Unattended Companion Animals are to be restricted at all times by either a Secure Fence, a Secure Facility, a Secure Enclosure, secured in the back of a pickup truck on public roadways, inside a vehicle with proper ventilation, or be on a trolley or chain.
 - 2) Companion Animals accompanied by a Person or Owner must be accompanied by a Person or Owner able to control the Animal on leash, or contained by an invisible fence. A Companion Animal located on their own property may be restrained through the use of voice control by the Owner.
 - 3) 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.

- 4) Companion Animals performing their duties as working animals on farms, ranches, search and rescue operations, ski valleys, or hunting within the boundaries of Taos County are not considered At Large.

(C) *General Standards that apply to both indoor and outdoor locations including Secure Facility and Secure Fence.*

- 1) *Cleanliness.* Feces and soiled bedding of Companion Animals must be removed at least weekly to prevent odors and possible dangerous or toxic exposure or contamination by fecal material, mold or internal and external parasites that could harm the Animal or cause the spread of disease to other Animals or humans. Premises shall be kept in such a way that no Companion Animal has an opportunity to become entangled with loose wire, get splinters from wooden boards, or come into contact with yard trash that could harm a Companion Animal.
- 2) *Hazards.* All areas where Animals, other than wild Animals not owned by any human and Livestock according to the provisions of state law, are kept shall be maintained in a manner such that no Animal can easily come into contact with chemicals or other dangerous substances including, but not limited to, antifreeze that could potentially poison an Animal.
- 3) *Exposure to insects and parasites.* Areas where the Animal, other than wild Animals not owned by any human and Livestock, will be spending time shall be maintained to minimize the Animal's exposure to fleas, ticks, flies, mosquitoes, ants, wasps, bees, maggots or other insects that could potentially cause the Animal harm or discomfort.

(D) *Indoor - Secure Facility.*

- 1) Animals kept indoors in Cages, Crates or other enclosures must be provided with adequate space to prevent overcrowding and to allow the Animals to maintain normal exercise levels required by the size, temperament and type of Animal. Livestock may be stored indoors according to the provisions of state law and commonly recognized practices.
- 2) Companion Birds kept in Cages must have enough room to spread their wings and have at least 2 perches of different diameters available to them.

(E) *Outdoor - Secure Fence.*

- 1) *Space Requirement.* When Companion Animals are outdoors and restricted by a Secure Fence they must be provided with adequate space to prevent overcrowding and to allow the Animals to maintain normal exercise levels required by the size, temperament and type of Animal.
- 2) *Adequate Shelter and shade.* Companion Animals that are not allowed free access to the household must be provided with Adequate Shelter and shade. Outside shelter or housing shall protect Animals from any extreme weather conditions that may be detrimental to the health or comfort of the Animal.
- 3) *Chaining of Companion Animals, when not accompanied by a Person.*
 - i. Chaining is prohibited as a means of outdoor confinement for more than two (2) hours during any 24 hour period.
 - ii. The Chain must be affixed to the Companion Animal by the use of a non-abrasive, well-fitted harness.

- iii. The Chain must be of an appropriate length and weight so the Companion Animal can easily sit, walk, and lie down using natural motions.
- iv. The Chain must be unobstructed by objects that may cause the Chain or the Companion Animal to become entangled.
- v. The Chain shall have a swivel on both ends.
- 4) *Trolley.* Trolleys shall be used for no longer than nine (9) hours in a 24 hour period.
- 5) *Cages and other enclosures.* Companion Birds kept in Cages must have enough room to spread their wings and have at least two perches of different diameters available to them.

Section 2-3 REQUIRED CARE AND MAINTENANCE FOR ANIMALS KEPT AT BOARDING KENNELS, GUARD DOG SITES, ANIMAL SHELTERS INCLUDING THE TAOS ANIMAL SERVICE FACILITY AND PET STORES (NON- RESIDENTIAL SITES).

Facilities must have an adequate number of employees on duty to maintain the care and maintenance standards in this Ordinance. Each Animal shall be observed daily.

(A) Food and Water.

- 1) *Food.* Animals shall be provided with food of adequate quality and quantity as to maintain the normal weight and condition of a healthy Animal. Additionally, the amount of food administered and feeding times must properly conform to the individual Animal's age and condition. Food should be stored in a rodent proof and insect proof container. Open food must be kept in covered, washable containers. Refrigeration shall be available and used for partially consumed cans of food. Food and water dishes must be washed and disinfected after every meal. There should be a designated area available to wash dishes with hot water and the appropriate disinfectant.
- 2) *Water.* Animals 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 the Animal is outdoors or indoors.

(B) Medical Treatment.

1) Boarding Kennels.

- i. The services of a locally available Veterinarian must be retained and his or her name must be listed on the application for the Animal Service Provider Permit. ASD must be notified if a change in Veterinary services occurs. If there is a medical problem with an Animal and the Owner's Veterinarian is not available, the Veterinarian listed for the kennel shall be contacted as soon as possible.
- ii. Injured or Ill Animals should be placed in their own enclosures and given medical attention immediately. No Animal shall be allowed to suffer due to lack of medical care.

2) Animal Shelters including ASF.

- i. Veterinary Services shall be available to Animals in shelters 24 hours a day, seven (7) days a week. ASF shall employ sufficient staff to meet the requirements of this Ordinance.

- ii. Injured or Ill Animals should be placed in their own enclosures and given medical attention immediately. No Animal shall be allowed to suffer due to lack of medical care.

3) *Pet Stores.*

- i. The services of a locally available Veterinarian must be retained and his or her name must be listed on the application for the Animal Service Provider Permit. ASD must be notified if a change in Veterinary services occurs. The listed Veterinarian shall be used whenever there is a health concern.
- ii. Injured or Ill Animals should be placed in their own enclosures and given medical attention. No Animal shall be allowed to suffer due to lack of medical care.

4) *Guard Dog Sites.*

- i. Both the Owner of the Guard Dog and the Owner of the Guard Dog Site must retain the services of a locally available Veterinarian and his or her name must be listed on the application for the Guard Dog Site Permit. ASD must be notified if a change in Veterinary services occurs. The listed Veterinarian shall be used whenever there is a health concern.
- ii. Injured or Ill Animals should be placed in their own enclosures and given medical attention. No Animal shall be allowed to suffer due to lack of medical care.

(C) *Required Alteration of Companion Animals.* No Companion Animal owned by a person who lives in Taos County shall leave any Animal Shelter including an ASF without having been Altered except as provided herein.

- 1) This provision does not apply to Boarding Kennels and Guard Dog Sites.
- 2) This provision does not apply to a Licensed Intact Companion Animal which is not required to be Altered until impounded three (3) times at an ASF, or to an Animal whose Alteration would be dangerous due to age or health issues in the opinion of the treating Veterinarian. Intact Companion Animals at Guard Dog Sites and Intact Companion Animals owned by Breeder Permit holders must have Intact Companion Animal Licenses.

(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 and permitted consistent with the requirements of this Ordinance. No breeding is allowed at Guard Dog Sites, Pet Stores or Animal Shelters including an ASF.

(E) *Basic Grooming.* All Animals shall be groomed in accordance with this Ordinance as described by 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 comfortable and healthy condition. The Animal shall not be so dirty as to provide a home for parasites and insects. No Animal shall be allowed to have a coat that is matted to the point that it becomes so heavy as to cause skin irritation or trap fecal matter. Boarding Kennels are not required to provide Basic Grooming for boarded Animals.

- (F) *Permanent Identification.* No Companion Animals shall be allowed to leave any Animal Shelter, including an ASF, without being Microchipped unless Microchipping would be dangerous due to age or health issues in the opinion of the treating Veterinarian. Such Companion Animals shall be identified by a License Tag. Boarding Kennels are not responsible for Microchipping.

Section 2-4 HOUSING AND RESTRAINT STANDARDS FOR ANIMALS KEPT AT BOARDING KENNELS, GUARD DOG SITES, ANIMAL SHELTERS INCLUDING THE TAOS ANIMAL SERVICE FACILITY AND PET STORES (NON-RESIDENTIAL SITES).

- (A) *General Housing and Restraint Standards.* Housing provided must meet the criteria of a Secure Facility or Secure Fence as defined in this Ordinance.

- 1) *Restraint.* All Animals shall be restrained or confined as necessary to prevent damage or harm to people and property and to prevent any violation of this Ordinance or state law.
- 2) *Housing.* Living quarters for Animals must be waterproof, structurally sound, and have no protrusions that could injure Animals.
- 3) *Cleanliness.* The entire premises shall be kept clean and in good repair in a manner which will protect Animals from disease or injury. Feces and urine must be removed daily from Animal living quarters to prevent odors and possible dangerous or toxic exposure or contamination by fecal material, mold or internal and external parasites that could harm the Animal or cause the spread of disease to other Animals or humans. After cleaning, cats shall not be returned to their enclosures until the enclosures have air dried. Soiled bedding must be changed daily. If hosing the enclosures, the Animals must be removed and not allowed to come in contact with the dirty, pooled water or wet floors.
- 4) *Hazards.* All areas where Animals are kept shall be maintained in a manner such that no Animal can accidentally or intentionally come into contact with chemicals or other dangerous substances including, but not limited to, antifreeze that could potentially poison an Animal. A room or closet must be available to store cleaning supplies. Cleaning supplies and food cannot be stored together. Provisions shall be made for the timely removal and proper disposal of Animal and food waste, soiled bedding, dead Animals, and debris.
- 5) *Exposure to insects and parasites.* Areas where the Animal will be spending time shall be maintained to minimize the Animal's exposure to fleas, ticks, flies, mosquitoes, ants, wasps, bees, or other insects that could potentially cause the Animal harm or discomfort.

- (B) *Indoor - Secure Facility.*

- 1) *Minimum floor space and other requirements for cats.*
 - i. Cats shall have a minimum of four (4) square feet of flat floor space and twenty-two inches of vertical space.
 - ii. Cats shall always have access to litter. The size of a litter box shall be subtracted when measuring the minimum space required for a cat.
 - iii. When there is more than one cat in an enclosure, additional floor and vertical space and resting perches are required. This does not include a cat with kittens.

- 2) *Minimum floor space requirements for dogs.*
 - i. All dogs shall have enough space to turn around, lie down, stretch, stand up, and rest comfortably.
- 3) *Minimum requirements for birds.*
 - i. Birds must have enough room to spread their wings to their full width.
 - ii. Birds must have at least two (2) perches of different circumferences available to them.
- 4) Any other Animals not specifically listed should be provided with adequate space to prevent overcrowding and to allow the Animal to maintain normal exercise levels required by the species, size and temperament of the Animal.
- 5) *Indoor climate.* Heating and cooling systems are required if needed to keep the temperature between 60 and 80 degrees Fahrenheit. All kennel buildings constructed after the effective date of this Ordinance that are not fully and constantly enclosed shall be required to contain radiant floor heat. Existing kennel buildings not fully and constantly enclosed must install radiant floor heat within five (5) years of the effective date of this Ordinance. Ventilation must be such that there are no drafts in the winter, odors, or moisture condensation. The general ventilation guideline for the areas in which the Animals are confined is ten (10) to 15 fresh air changes per hour. All kennel buildings constructed after the effective date of this Ordinance shall install ventilation systems that adhere to this guideline. Existing kennel buildings that do not meet this guideline must do so within five (5) years of the effective date of this Ordinance.
- 6) *Lighting.* Ample light must exist so that all areas of the building and Animal enclosures can be easily examined. Any lights in Animal areas should have covers such as protective sleeves for fluorescent bulbs.
- 7) *Fire safety.* Fire suppression equipment and automatic emergency fire suppression devices and systems such as sprinkler systems shall be available and in working order at all times in all areas where Animals are kept. This is especially important whenever Animals are left unattended by humans. Existing facilities have ten (10) years from the passage of this Ordinance to install automatic sprinklers.

(C) *Outdoor - Secure Fence.*

- 1) *Space Requirements.* When Animals are outdoors restricted by a Secure Fence, they must be provided with adequate space to prevent overcrowding and to allow the Animal to maintain normal exercise levels required by the size, temperament and type of Animal.
- 2) *Adequate Shelter and shade.* Animals that are not allowed free access to go inside a building must be provided with Adequate Shelter and shade. Outside housing shall protect Animals from any extreme weather conditions that may be detrimental to the health or comfort of the Animals. Suitable drainage must be provided and there can be no standing water.
- 3) *Chaining.* Chaining is prohibited as a means of outdoor confinement in non-residential areas.
- 4) *Trolley.* Trolleys are prohibited as a means of outdoor confinement in non-residential areas.

- 5) *Crate*. Crates are prohibited as a means of outdoor confinement in non-residential areas.
- 6) *Cages*. Cages and other stackable kennel enclosures with wire bottoms are prohibited. Companion Bird, ferret cages, and enclosures with plastic coated mesh floors with holes smaller than one square inch are permitted. Rabbit hutches may also have a wire bottom making up no more than one half the total floor.

Section 2-5 STANDARDS FOR GROOMING PARLORS AND DOGGIE DAY CARE FACILITIES.

- (A) *Facilities*. Indoor and outdoor facilities must meet the definitions of Secure Facility and Secure Fence. Indoor temporary enclosures for Animals must be structurally sound and have no protrusions that are reasonably likely to injure Animals. Temporary enclosures must be large enough for the Animals to stand up, lie down and stretch out comfortably. Cats shall have access to litter. Ventilation must be such that there are no strong odors. If the outdoor facilities include enclosures for the Animals, they must be waterproof. Outdoor facilities must provide shade from the sun and shelter from rain or snow. Suitable drainage must be provided. There can be no unintentional standing water.
- (B) *Cleanliness*. Feces and urine shall be removed as necessary to prevent the Animals from becoming soiled and to prevent odors but under no circumstances less than twice each day or every time a new Animal is placed in a temporary enclosure. All areas of the premises must be kept clean and in good repair. A room or closet must be available to securely store cleaning supplies. Provisions shall be made for the timely removal and proper disposal of Animal waste and debris. Disposal facilities and methodology shall minimize vermin infestation, odors and disease.

Section 2-6 TRANSPORTING ANIMALS IN VEHICLES.

- (A) *Pickup Trucks*. Companion Animals that are transported in the bed of a pickup truck on a public road must be humanely restrained or crated to prevent the possibility of the Animal falling out and provided with a non-metal surface to sit or stand on. All Animals must be protected from extreme temperatures.
 - 1) *Humanely restrained*. The Animal must be attached to the truck by means of a Harness, not a neck collar, in a way to insure that the Animal cannot jump out of or fall from the truck or be strangled.
 - 2) *Crate*. If an Animal is put in a Crate or other enclosure, the Crate or enclosure must be securely fastened to the bed or sides of the truck so that the Crate or enclosure cannot turn over or fall out.
 - 3) *Protection from weather*. No Animal shall be left in the bed of a truck whether in a Crate or not when the weather is such that the Animal will be exposed to extreme heat or cold.
- (B) *Cars, Vans and RVs*. Animals riding inside vehicles that are not in Crates or other enclosures must not be allowed access to a window opened wide enough for the Animal to jump, fly or fall out. Animals left unattended in cars, vans or RVs must have adequate ventilation to prevent the temperature in the vehicle from rising high enough such that any reasonable Person would know that the Animal would suffer from heat exposure. If the County determines that an Animal in a vehicle is in immediate danger,

the County may enter the vehicle by whatever means necessary, without being liable to the Owner of the vehicle for damage caused to the vehicle, and seize the Animal.

- (C) *Transporting more than one Animal.* In addition to all other regulations in this Ordinance, Animals should never be overcrowded when being transported. Each Animal should be able to stand up, move around, lie down and stretch out naturally. If Crates or enclosures are stacked, they must be attached securely to prevent the Crates or enclosures from falling or turning over. If Crates or other enclosures are stacked, it is important that no urine or feces are passed between Crates and enclosures.
- (D) *Livestock.* Livestock must be transported in a humane manner consistent with state law, but are exempt from the requirements of this section.

PART 3: REQUIRED LICENSE AND PERMITS

Section 3-1 REQUIRED TAOS COMPANION ANIMAL LICENSE.

- (A) All residents of Taos who own Companion Animals shall have a current annual Taos Companion Animal License for each Companion Animal they own that is over the age of three (3) months.
- (B) Companion Animal Licenses shall only be issued in the sole discretion of the County to: a Person who is 18 years of age or older, who has never been convicted of any form of Animal Cruelty under any law, has never had any Animal-related License or Permit Revoked, has never failed to Reclaim an Animal from an ASF, has not Surrendered an Animal within one year of the time of Adoption, and, has never been convicted of Child or Domestic Abuse.
- (C) A License is not a property right. The County can refuse to issue, revoke, suspend or modify Licenses and impose conditions or limits upon the issuance of Licenses. License fees are not refundable and Licenses are not transferable to any other Companion Animal.
- (D) Companion Animals must have a current Rabies Vaccination and be Microchipped or Permanently Identified according to the requirements of this Ordinance before the Owner can be issued a License.
- (E) Low Income Persons, Seniors, Veterans of the U.S. Armed Forces, and Owners of Service Dogs must obtain a Companion Animal License but are exempt from the initial License fee and subsequent License renewal fees.
- (F) Any Person who lives in Taos County who owns a Companion Animal that has been impounded by ASD shall obtain a Companion Animal License prior to the Animal's release.
- (G) Companion Animal Licenses expire two (2) years from the date of issue. The fee for a Taos Companion Animal License is as stated in Appendix A of this Ordinance.

Section 3-2 REQUIRED INTACT COMPANION ANIMAL LICENSE ("ICAL").

Owners of Companion Animals over the age of six (6) months that have not been Altered shall obtain an annual Intact Companion Animal License for those Animals.

- (A) Intact Companion Animal Licenses shall only be issued in the sole discretion of the County to: a Person who is 18 years of age or older, who has never been convicted of any form of Animal Cruelty under any law, has never had any Animal-related License or Permit Revoked, has never failed to Reclaim an Animal from an ASF, has not Surrendered an Animal within one year of the time of Adoption, and has never been convicted of Child or Domestic Abuse.

- (B) A License is not a property right. The County can refuse to issue, revoke, suspend or modify Licenses and impose conditions or limits upon the issuance of Licenses, including the declaration of moratoria regarding the issuance of Intact Companion Animal Licenses. License fees are not refundable and Licenses are not transferable to any other Intact Companion Animal.
- (C) All Intact Companion Animals must be Vaccinated, Licensed, and identified according to the requirements of this Ordinance before an ICAL can be issued.
- (D) The Household shall meet the standards of a Secure Facility or a Secure Fence enclosure.
- (E) *Three Strikes Rule*. The third time any Intact cat or dog is impounded by an ASO, the Animal's Intact Companion Animal License shall be revoked if issued and the Animal Altered prior to release to its Owner or Qualified Adopter. The Owner may stipulate the specific Veterinarian to perform the Alteration. The Owner shall bear all expenses associated with Alteration of the Animal. If an ICAL Holder wishes to breed an Intact Companion Animal, the Permit holder must obtain a Breeder Permit. An ICAL is required for each Intact Animal.
- (F) If a female Intact Companion Animal has been impregnated outside of intentional breeding, the Owner must obtain a Litter Permit prior to the birth of the Litter.
- (G) If the Owner wishes to breed a licensed Intact Companion Animal, the Owner must obtain a Breeder Permit prior to breeding the Animal.
- (H) Intact Companion Animal Licenses expire two (2) years from issue. The fee for an Intact Companion Animal License is as stated in Appendix A of this Ordinance.
- (I) Owners of Companion Animals may present a valid Medical Waiver Certificate stating that the Animal should not be Altered due to age or illness. Upon the acceptance of a Medical Waiver Certificate by ASD, the Owner shall be issued an Intact Companion Animal License free of charge that shall be valid for the life of the Animal.

Section 3-3 PERMITS: GENERAL PROVISIONS.

- (A) A Permit is not a property right. The County can refuse to issue, revoke, suspend or modify Permits and impose conditions or limits upon the issuance of Permits, including the declaration of moratoria regarding issuance of Permits. Permits are not transferable or refundable.
- (B) Permits expire two (2) years from the date of issue, unless otherwise specifically provided in this Ordinance.
- (C) The Fees for Permits are as stated in Appendix A of this Ordinance.

Section 3-4 PERMIT APPLICATIONS.

(A) *Application Process.*

- 1) Applicants for any Permit shall meet the standards of a Qualified Adopter.
- 2) The application form shall require the applicant to affirm under penalty of perjury that the applicant meets the standards of a Qualified Adopter and to provide information that is sufficient to assure the County that the applicant has the knowledge and facilities adequate to care for the Animals covered by the Permit in a manner that protects both the Animals and the public.
- 3) The application form shall require the applicant to supply the name, address and phone number of one adult not living at the same address as the applicant for the purpose of being the emergency contact. This Person must agree to take

responsibility for the Animals in the event the Permit Holder becomes unable to take care of the Animals covered by their Permit. In the event that the emergency contact is unavailable and/or unable to take care of the Permitted Animal, the Animal will be deemed surrendered to ASD until reclaimed by the Owner.

- 4) No Person shall be issued a Permit if that Person is jointly interested in the Permit or otherwise in privity with any Person who does not meet the standards of a Qualified Adopter as determined by ASD.
- 5) Within 30 days of the receipt of a Permit application, the County shall review the application and may inspect the premises. The County shall approve, conditionally approve, or deny the Permit application and notify the applicant in writing of the decision.
- 6) The County may approve an application only after the following determinations are made:
 - i. the standards established by this Ordinance and other applicable laws and regulations have been met;
 - ii. the issuance of a Permit will not result in activity which presents a danger to the public health, safety or welfare; and
 - iii. the issuance of a Permit does not create a nuisance for any Person.
- 7) If any affected party wishes to appeal the County's decision regarding a denied Permit application, the party may request an Administrative Hearing before the Administrative Hearing Officer.

Section 3-5 PERMIT HOLDERS: DUTIES AND REQUIREMENTS.

Permit Holders must comply with all the requirements of this Ordinance and state law. Any violation by a Permit Holder of the following duties and requirements may result in revocation, suspension or modification of the Permit.

(A) Permit Holder Responsibilities.

- 1) The Permit Holder shall notify the County of any changes which may affect the status of the Permit and shall keep the County informed of any changes in the Permit Holder's name, address, home and business telephone numbers, location of the Permitted Premises, and emergency contacts for activities covered by the Permit.
- 2) The Permit Holder shall comply with all special requirements pertaining to the type of Permit held.
- 3) Both the Person in Charge of a Permitted Premises and the Owner of the Permitted Premises shall be responsible for complying with this Ordinance.

(B) Inspections.

- 1) A permitted Establishment, other than a residence, shall allow entry and inspection of the Permit Holder's premises by the County. Upon presentation of proper identification, the County shall be allowed to enter any Permitted Establishment for the purpose of making an inspection of the premises for compliance with this Ordinance or an inspection to ascertain the existence or nonexistence of conditions dangerous to health or safety or otherwise relevant to the public interest in conformance with the provisions of the Public Health Act, Section 24-1-1 NMSA 1978 *et seq.*

- 2) The Permit Holder may consent to an inspection but also has the right to deny entry for an inspection, to schedule the inspection at a convenient time, or attempt to prove compliance to the satisfaction of the County by means other than inspection. If the County finds that the Permit Holder is not in compliance, the Permit Holder may request an Administrative Hearing to prove compliance to the satisfaction of the Administrative Hearing Officer. Nothing herein limits the authority of the County or other law enforcement authority to seek or obtain a search warrant from a court of competent jurisdiction if there is probable cause for a violation of the ordinance on private property, or an inspectorial order for the purpose of ascertaining the existence or nonexistence of conditions dangerous to health or safety or otherwise relevant to the public interest. No warrant shall be necessary if probable cause exists to believe that there is an emergency requiring such inspection or investigation.
 - 3) The Person in Charge of the Permitted Premises shall be allowed to accompany the County on inspection.
 - 4) Upon completion of an inspection of a Permitted Premises, the County shall prepare a written inspection report stating whether the Permitted Premises is in compliance with or in violation of the requirements of this Ordinance.
 - 5) If the County determines the Permitted Premises is not in compliance with the provisions of this Ordinance, the report shall specify the nature of the noncompliance.
 - 6) The County and the Person in Charge of the Permitted Premises shall sign the inspection report.
 - 7) A copy of the inspection report shall be furnished to the Person in Charge at the time of the inspection as well as the Permit Holder if not already present.
- (C) *Records.* The County shall be allowed to examine all records pertinent to the origin, care and disposition of Animals owned by the Permit Holder. A current record shall be kept which describes all Animals owned, purchased or received by the Permit Holder and the disposition of each Animal. Permit Holders shall promptly produce any and all documents pertaining to medical care and Ownership records for inspection upon request of the County. Permit Holders who sell, give away, loan, transfer or in any way alienate possession or Ownership of an Animal shall keep records containing the name and address of each recipient, the date of disposition and the Permanent Identification of each Companion Animal. All required documents shall be kept for three (3) years after the death or other disposition of any Animal owned by the Permit Holder.
- (D) *Commercial Establishments.* Any commercial Permitted Premises open to the public shall post a sign conspicuously observable by the public which states that all Companion Animals in the County must be Altered unless they possess an Intact Companion Animal License, and all Companion Animals must be Licensed and Microchipped. Such signs shall be at least 8 ½ inches by 11 inches in size and contain lettering at least 1 inch in height.

Section 3-6 PERMIT RENEWALS.

An application for the renewal of a Permit shall be filed with ASD not less than thirty days before the date the Permit expires. Failure to renew a Permit as specified shall result in the expiration of the Permit and the assessment of a renewal fee.

Section 3-7 MULTIPLE COMPANION ANIMAL SITE PERMIT ("MCASP")

- (A) Any Person intending to exceed the maximum limit of nine (9) Companion Animals in a Household shall obtain a Multiple Companion Animal Site Permit.
- (B) Multiple Companion Animal Site Permits expire two (2) years from the date of issue.
- (C) All Companion Animals at a Multiple Companion Animal Site shall be Licensed and Microchipped or otherwise Permanently Identified according to the requirements of this Ordinance.
- (D) Any adjoining property Owner may petition the County for revocation, modification or suspension of a MCASP if the adjoining property Owner is reasonably aggrieved by any effects of the Multiple Animal Site. After investigation of the complaint, the County may revoke, modify, or suspend the Permit based on their findings.
- (E) No Person shall keep or maintain more than 15 Companion Animals at any MCASP site. Holders of valid Breeder Permits and valid Litter Permits are exempt from this section.

Section 3-8 BREEDER PERMIT ("BP")

- (A) An Owner who wishes to breed a Companion Animal for sale or hobby shall purchase a Breeder Permit prior to breeding the Animal.
- (B) All Companion Animals to be bred must have an ICAL and be Microchipped before a Breeder Permit will be issued.
- (C) Breeder Permits expire two (2) years from the date of issue.
- (D) An Owner must meet the following requirement to the satisfaction of the ASO in order to be issued a Breeder Permit:
 - 1) The Owner has performed health screenings on both parents of the litter in advance of the breeding and provides the results of these screenings in writing to ASD.
- (E) A Breeder Permit is required to advertise any Companion Animal under the age of six (6) months old for sale, gift or other transfer or conveyance within Taos County in any online or social media website, periodical, or newspaper of general circulation in Taos County. The Breeder Permit number must be included in any advertisement.
- (F) Failure to advertise without including a valid Breeder Permit number shall be a violation of this Ordinance. Any Person who advertises a Companion Animal and purports in the advertisement to reside outside the County limits or lists a telephone number outside the County limits and is found attempting to sell Companion Animals in the County limits is in violation of this Ordinance.
- (G) Puppies and kittens can only be sold, given as a gift or other transfer or conveyance from the location listed on the Breeder Permit. Puppies or kittens being sold on public property or commercial property even with the Owner's permission are in violation of this Ordinance and the puppies and kittens may be seized. Puppies and kittens shall not be sold to a Pet Store, Animal Broker or other Animal dealer.
- (H) The following Care and Disposition requirements regarding Litter Companion Animals are in effect for all Breeder Permit Holders:

- 1) 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. Puppies and kittens shall not be released from the Permitted Premises prior to eight (8) weeks of age.
 - 2) Puppies and kittens shall be Microchipped prior to being separated from the mother. Proof of Permanent Identification must be provided to ASD.
 - 3) Any purchaser of the Breeder Permit Holder's puppies or kittens may visit the Breeder Permit holder's site to see the conditions in which the Animals were born and raised and to meet and assess the temperament of the mother.
 - 4) The Breeder Permit Holder may perform, either directly or through a known agent, a visit to the new home of every Animal sold to insure that the home is suitable and has proper facilities to confine and care for the Animal in accordance with this Ordinance.
 - 5) The Breeder Permit Holder is liable for the medical costs, including medicine, for any puppy or kitten that is diagnosed as sick by a Veterinarian within seven (7) days from the date of sale. The Breeder Permit Holder shall reimburse the new Owner the costs associated treating with the sick Animal. The new Owner shall be allowed to keep the puppy or kitten even if the Breeder Permit Holder pays the medical costs. The new Owner or the Breeder 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 Breeder Permit Holder does not prevail on appeal, the Breeder Permit Holder shall reimburse the costs of the appeal to the new Owner.
- (I) After the sale, the Breeder Permit Holder shall document and retain for inspection by ASD the name and address of each recipient of any Litter Companion Animal once owned by the Breeder Permit Holder.
 - (J) Any Breeder Permit issued pursuant to this section may be revoked if the County has reasonable cause to believe that the standards set forth in this section are not being met, or if the Permit Holder or the person caring for or having control of the Litter Companion Animals has violated any section of this Ordinance or is in violation of any zoning, health and safety, or building ordinance relating to the keeping, care or use of any Animal.

Section 3-9 COMPANION ANIMAL LITTER PERMIT ("CALP").

- (A) Non-breeder Owners of female Intact Companion Animals must obtain a Companion Animal Litter Permit prior to the birth of a Litter or within one (1) week after the birth of the Litter.
- (B) All female Intact Companion Animals must have an ICAL and be and Microchipped before a Companion Animal Litter Permit will be issued.
- (C) No Person shall apply for or obtain more than two (2) Litter Permits per Household in any consecutive 12 month period.
- (D) Companion Animal Litter Permits expire one (1) year from the date of issue.
- (E) The County may waive the Litter Permit Fee for Rescue Groups and Fosters.
- (F) The following Care and Disposition requirements regarding Litter Companion Animals are in effect whether or not the Owner of the Litter possesses a Litter Permit:

- 1) 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. Puppies and kittens shall not be released from the Permitted Premises prior to eight (8) weeks of age.
 - 2) Puppies and kittens shall be Microchipped prior to being separated from the mother. Proof of Permanent Identification must be provided to ASD.
 - 3) The Litter Permit Holder shall upon transfer or conveyance of the kitten or puppy, deliver a complete Vaccination record to the new Owner.
 - 4) The Litter Permit Holder shall document and retain for inspection by ASD the name and address of each recipient of any Litter Companion Animal once owned by the Litter Permit Holder.
 - 5) If the Litter Animal is sold, 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 seven (7) days from the date of sale. The Litter Permit Holder shall reimburse the new Owner the costs associated with the sick Animal. 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.
 - 6) A Litter Permit is required to advertise any Companion Animal under the age of six (6) months old for sale, gift or other transfer or conveyance within Taos County in any online or social media website, periodical, or newspaper of general circulation in Taos County. The Litter Permit number must be included in any advertisement.
 - 7) Failure to advertise without including a valid Litter Permit number shall be a violation of this Ordinance. Any Person who advertises a Companion Animal and purports in the advertisement to reside outside the County limits or lists a telephone number outside the County limits and is found attempting to sell Companion Animals in the County limits is in violation of this Ordinance.
 - 8) 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 Ordinance and the puppies and kittens may be seized. Puppies and kittens shall not be sold to a Pet Store, Animal Broker or other Animal dealer.
- (G) Any permit issued pursuant to this section may be revoked if the County has reasonable cause to believe that the standards set forth in this section are not being met, or if the Companion Animal Litter Permit Holder or the person caring for or having control of the Litter Companion Animals has violated any section of this Ordinance or is in violation of any zoning, health and safety, or building ordinance relating to the keeping, care or use of any Animal.

Section 3-10 EXOTIC OR WILD ANIMAL COLLECTION PERMIT ("EWACP").

- (A) No person shall own, possess, sell, trade, or display an Animal or species protected by or prohibited by either the New Mexico Game and Fish Department under 17-3-32 NMSA 1978 and regulations or the United States Fish and Wildlife Service under Title 50 of the Code of Federal Regulations.
- (B) Any Person who wishes to receive, purchase, own or keep three (3) or more Exotic or Wild Animals shall first obtain an Exotic or Wild Animal Collection Permit.
- (C) Exotic or Wild Animal Collection Permits expire two (2) years from the date of issue.
- (D) The applicant shall supply ASD with a list of all Exotics owned by the applicant. The EWACP Holder shall supply an updated list as part of the Permit renewal process. Notwithstanding the foregoing, zoological parks, Rehabilitators licensed through the state of New Mexico, Veterinary hospitals, and the Humane Society shelters are excluded from the provisions of this section, provided that the excluded facilities use protective devices adequate to prevent the Exotic or Wild Animals from escaping or injuring the public and the Animals will not be used in any kind of testing or experimentation.
- (E) Exotic or Wild Animals shall never be released from captivity within the County limits without written permission from ASD whether or not the Owner has an EWACP.
- (F) The County shall Seize the Exotic or Wild Animal for its Owner's failure to obtain an EWACP or comply with this Ordinance and such Animal shall become the property of the County. The EWACP Holder or Owner of the Exotic or Wild Animal is liable for any costs incurred by the County and such costs may result in a lien being placed against the Exotic or Wild Animal.
- (G) The County shall use seizure procedures consistent with state law which protect the public and the Animal. The County may convey an Exotic or Wild Animal in its possession to any Zoo, Sanctuary or refuge or dispose of the Animal in a Humane Manner.

Section 3-11 DANGEROUS DOG PERMIT ("DDP")

- (A) Owners of Dangerous Dogs must obtain a Dangerous Dog Permit, according to the requirements of the New Mexico Dangerous Dog Act, Section 77-1A-1 NMSA 1978, *et. seq.*
- (B) All Dangerous Dogs must be Altered, Licensed and Microchipped before a DDP will be issued.
- (C) Dangerous Dog Permits expire one (1) year from the date of issue.
- (D) ASD shall issue a Permit to the Owner of a Dangerous Dog if the Owner establishes to ASD in their sole discretion that the Owner is able to keep the dog under control at all times, and that the Owner has entered the dog in a socialization and behavior program approved or offered by ASD.
- (E) All Dangerous Dogs shall be maintained exclusively on the Owner's property except for medical treatment or examination. When the Dangerous Dog is removed from the Owner's property, the dog shall be caged or muzzled and restrained with a lead no longer than four (4) feet, and the dog shall be under complete control at all times. Dangerous Dogs are not permitted to be off leash when off the Owner's property. The Dangerous Dog shall not be transported in a vehicle in a way that might allow the dog to escape or gain access to any person or Animal outside the vehicle.

- (F) A clearly visible warning sign with a conspicuous warning symbol indicating that there is a Dangerous Dog on the premises is posted where the dog is kept and is visible from a public roadway or from 50 feet, whichever is less. The Owner shall have written permission of the property Owner or homeowner's association where the Dangerous Dog will be kept, if applicable.
- (G) It is unlawful for an Owner of a Dangerous Dog to:
- (1) keep the dog without a valid DDP;
 - (2) violate the registration and handling requirements for the dog;
 - (3) fail to notify ASD or law enforcement immediately upon:
 - (a) the escape of the dog; or
 - (b) an attack by the dog upon a human being or a domestic Animal;
 - (4) fail to notify the ASD of the dog's death within five (5) business days;
 - (5) fail to notify the ASD within twenty-four hours if the dog has been sold or given away and provide the name, address and telephone number of the new Owner of the dog;
 - (6) fail to surrender the dog to ASD for safe confinement pending a determination of the case when there is reason to believe that the dog poses an imminent threat to public safety; or
 - (7) fail to comply with special handling or care requirements for the dog that a court has ordered.
- (H) The County may order the immediate impoundment or humane destruction of a dog previously determined to be a Dangerous Dog if the Owner fails to abide by the conditions for registration, confinement or handling set forth in this section.
- (I) Nothing herein shall be construed to preclude a criminal conviction for violation of the New Mexico Dangerous Dog Act, Section 77-1A-1 NMSA 1978, *et. seq.* according to state law.

Section 3-12 POTENTIALLY DANGEROUS DOG PERMIT ("PDDP")

- (A) Owners of Potentially Dangerous Dogs must obtain a Potentially Dangerous Dog Permit, according to the requirements of the New Mexico Dangerous Dog Act, Section 77-1A-1, NMSA 1978, *et. seq.*
- (B) All Potentially Dangerous Dogs must be Altered, Licensed and Microchipped before a PDDP will be issued.
- (C) Potentially Dangerous Dog Permits expire one (1) year from the date of issue.
- (D) ASD shall issue a permit to the Owner of a Potentially Dangerous Dog if the Owner establishes to ASD in their sole discretion that the Owner is able to keep the dog under control at all times, and that the Owner has entered the dog in a socialization and behavior program approved by or offered by ASD.
- (E) All Potentially Dangerous Dogs must be restricted at all times by either a Secure Fence, a Secure Facility, a Secure Enclosure, secured in the back of a pickup truck on all roadways, inside a vehicle with proper ventilation, or be accompanied by a Person able to control the Animal on a leash no longer than three (3) feet in length. Potentially Dangerous Dogs are not permitted to be off leash when off the Owner's property. The Potentially Dangerous Dog shall not be transported in a vehicle in a way that might allow the dog to escape or gain access to any person or Animal outside the vehicle.
- (F) It is unlawful for an Owner of a Potentially Dangerous Dog to:
- (1) keep the dog without a valid PDDP;

- (2) violate the registration and handling requirements for the dog;
 - (3) fail to notify ASD immediately upon:
 - (a) the escape of the dog; or
 - (b) an attack by the dog upon a human being or a domestic Animal;
 - (4) fail to notify ASD of the dog's death within five (5) business days;
 - (5) fail to notify the ASD within 24 hours if the dog has been sold or given away and provide the name, address and telephone number of the new Owner of the dog;
 - (6) fail to surrender the dog to ASD for safe confinement pending a determination of the case when there is reason to believe that the dog poses an imminent threat to public safety; or,
 - (7) fail to comply with special handling or care requirements for the dog that a court has ordered.
- (G) Nothing herein shall be construed to preclude a criminal conviction for violation of the New Mexico Dangerous Dog Act, Section 77-1A-1 NMSA 1978, *et. seq.* according to state law.
- (H) If a dog previously determined to be potentially dangerous has not exhibited any of the behaviors specified in the Dangerous Dog Act for 36 consecutive months, the Owner may request that ASD lift the requirements for registration pursuant to this section. If ASD has no reasonable basis to believe that the dog has exhibited the behaviors specified, it shall relieve the Owner of the requirements of this section.

Section 3-13 GUARD DOG SITE PERMIT ("GDSP")

- (A) Any Person wishing to operate a Guard Dog Site shall obtain a Guard Dog Site Permit (GDSP).
- (B) Any Person wishing to operate a Guard Dog Site shall have a Tax ID number and a County of Taos Business Registration in good standing before applying for a GDSP. Victims of Domestic Abuse Situations may also obtain a Guard Dog Permit at the discretion of the ASO.
- (C) All Guard Dogs must be Licensed and Microchipped before a GDSP will be issued. The Owner of the Guard Dog must have an Intact Companion Animal License for each Intact dog.
- (D) Guard Dog Site Permits expire two (2) years from the date of issue.
- (E) The GDSP attaches to the real property and the GDSP Holder may not transfer Guard Dogs to a separate site lacking a GDSP.
- (F) A GDSP will not be granted for property in a Residential Zone, except for victims of Domestic Abuse Situations, and in no instances within 250 feet of a school.
- (G) When a Guard Dog is on duty outside of a building, the premises must be enclosed by a Secure Fence.
- (H) The escape of a Guard Dog from a Guard Dog Site is a violation of this Ordinance and can constitute a basis for revocation of a GDSP and seizure of the dog.
- (I) If ASD determines it is necessary to control noise at the Guard Dog Site, ASD may require the Owner of the site or GDSP Holder to construct a barrier which breaks the Guard Dog's line of sight to the exterior and adequately buffers the noise.
- (J) The doors, windows, and all other openings to the outside of a building where a Guard Dog is on duty must be secured to prevent its escape.

- (K) The Guard Dog Site shall be posted with warning signs that are at least 12 inches by 12 inches.
- (L) The warning signs shall state "Guard Dog" and "Guardia" and shall show a picture of an aggressive dog.
- (M) The warning signs shall be posted not more than 50 feet apart on the exterior of the fences or walls surrounding the site, and shall be posted at all exterior corners of the site and at every entrance to the site.
- (N) Vehicles used to transport Guard Dogs shall be secured so the public is protected from injury, shall be constructed or modified to ensure that the Guard Dog is transported in a safe, humane manner, and shall be posted with warning signs on each side of the vehicle.
- (O) A Guard Dog Permit Holder shall not apply for a Breeder Permit or a Litter Permit for the Guard Dog Site. No breeding of Animals is allowed at a Guard Dog Site.

Section 3-14 ANIMAL SERVICE PROVIDER PERMIT ("ASPP").

Any Establishment intending to conduct business as an Animal Service Provider shall obtain an Animal Service Provider Permit. The ASPP applicant must have a valid Tax ID Number and a County of Taos Business Registration in good standing.

Section 3-15 PET STORE PERMIT ("PSP").

- (A) No Pet Store shall conduct business in the County without a Pet Store Permit ("PSP").
- (B) The applicant for a PSP must have a valid Tax ID Number and a County of Taos Business Registration in good standing before applying for a PSP.
- (C) Pet Store Permits expire two (2) years from date of issue.
- (D) The PSP must attach to a specific real property commercial site.
- (E) No PSP Holder may sell or offer for sale any Animal from a mobile facility or at a site away from the PSP site.
- (F) A PSP Holder shall not apply for or obtain an Intact Companion Animal License, a Breeder Permit, or a Litter Permit.
- (G) PSP Holders are liable for the medical costs including medicine for any Animal that is diagnosed as sick by a Veterinarian qualified for the species within seven (7) days from the date of sale. The PSP Holder shall reimburse the patron the costs associated with the sick Animal.
- (H) The patron shall be allowed to keep the Animal, even if the PSP Holder pays the medical costs.
- (I) The patron or the PSP 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 PSP Holder does not prevail on appeal, the PSP Holder shall reimburse the costs of the appeal to the patron.
- (J) Thorough and accurate records for each Animal that passes through a PSP site must be maintained and kept for three (3) years and must be made available upon demand by the County. These records shall include, but are not limited to, the name, address and telephone number of each Person who bought an Animal and information on where each Animal came from originally.
- (K) Animals with known or suspected communicable diseases shall be isolated, as appropriate, and treated as soon as possible. The daily use of antibiotics for preventative

purposes, and not to treat a specific illness or condition, is prohibited whether administered in food, water or by any other method.

PART 4: PROHIBITED ACTIVITIES.

Section 4-1 CRUELTY TO ANIMALS.

Nothing herein shall be construed to preclude a conviction for Cruelty, Extreme Cruelty, Dogfighting, or Cockfighting under state law.

- (A) Cruelty is any act or inaction that causes, is known to cause or is calculated to cause physical or psychological pain, injury, damage or harm to an Animal.
- (B) Any Person, including employees of Taos County, may be cited for Cruelty hereunder whether or not said Person owns the subject Animal.
- (C) Cruelty is applicable to all Animals within the County limits of Taos.
- (D) Any of the following shall not be considered Cruelty:
 - 1) The practice of veterinary medicine, including euthanasia in accordance with state law;
 - 2) The application of pesticides or rodenticides by a properly licensed professional;
 - 3) Fishing, hunting, falconry, taking and trapping, as provided in state law;
 - 4) The treatment of Livestock and other Animals used on farms and ranches for the production of food, fiber or other agricultural products when that treatment is in accordance with commonly accepted agricultural Animal husbandry practices;
 - 5) The use of commonly accepted Mexican and American rodeo practices, unless otherwise prohibited by state or Federal law;
 - 6) Research facilities licensed pursuant to federal law, except when knowingly operating outside of the provisions governing the treatment of Animals of a research or maintenance protocol approved by the institutional Animal care and use committee of the facility; and,
 - 7) Generally accepted methods of Animal training that do not cause undue physical and emotional suffering, including the training of Livestock, Companion Animals, Guard Dogs, hunting dogs, police dogs and Service Animals shall not constitute Cruelty.
- (E) Personal observation of Cruelty by an ASO or law enforcement officer is not required and such officers may issue citations or file criminal complaints if the ASO or law enforcement officer has probable cause to believe that an Animal has been treated cruelly. In addition to criminal charges for Cruelty, the County may avail itself of the remedies of Seizure, Confiscation and Protective Custody provided under this Ordinance.
- (F) Any Person who treats an Animal in any way that would lead a reasonable Person to conclude that such Animal has been subjected to harm without Lawful Justification is guilty of Cruelty.
- (G) Any charges for medical care paid by the County for an Animal suspected of being a victim of Cruelty shall constitute a municipal lien against the Animal.

Section 4-2 SPECIFIC ACTIVITIES THAT CONSTITUTE CRUELTY TO AN ANIMAL.

Any Person may be cited with Cruelty under this Ordinance when engaged or attempting to engage in the following behaviors, including but not limited to:

- (A) Failing to provide necessary and adequate sustenance, water, or shelter to an Animal under that Person's Custody or control.
- (B) Leaving an Animal in a vehicle when the temperature is such that it could cause pain or suffering to the Animal.
- (C) Abandoning or neglecting an Animal under that Person's custody or control, including but not limited to:
 - 1) Inaction of the Owner toward an Animal in need of basic or emergency Medical Care;
 - 2) Relinquishing possession or control of an Animal in a location where any reasonable Person would know the Animal has little chance of finding food, water, and shelter;
 - 3) Dumping or releasing an Animal anywhere or leaving an Animal behind when a Person moves;
 - 4) Chaining a Companion Animal to a stationary post, pole, or other immovable object by means of any instrumentality or other extension device including, but not limited to, a chain, tether, coil or rope and leaving such Animal unattended for more than two (2) hours in a 24 hour period; or,
 - 5) Failing to report an Injury to Companion Animal caused by a Motorist. A Motor Vehicle Operator who strikes or runs down a Companion Animal shall call ASD within a reasonable amount of time and provide the facts regarding the accident and, if possible, the injuries sustained by the Animal.
- (D) Killing or attempting to kill an Animal. Exceptions include:
 - 1) Humane Euthanasia performed in accordance with state law;
 - 2) Reasonably necessary taking of Animals by a governmental entity or contractor of a governmental entity for bio-disease management.
 - 3) The killing of rabbits and Livestock owned by the Person in a humane manner for food.
 - 4) Fishing, hunting, falconry, taking and trapping, as provided in state law.
- (E) Poisoning, attempting to poison, or allowing an Animal easy access to poisonous substances such as antifreeze, baiting any Animal with any substance soaked, treated or prepared with any harmful or poisonous material regardless of Ownership of said Animal unless such actions are undertaken by a licensed professional exterminator.
 - 1) A Person may use poison to kill mice and rats, but only within a Person's own enclosed structures.
 - 2) Except when applied by a licensed exterminator, no poison may be used outside, even on a Person's own property, or in any way in which a poisoned Animal, including mice and rats, can consequently poison other Animals.
- (F) Abusing an Animal which includes, but is not limited to:
 - 1) Maiming, disfiguring, torturing, beating, having sexual contact with, burning, scalding, throwing objects at or cruelly setting upon any Animal;
 - 2) Ear cropping, de-barking, tail docking or Alteration by an individual who is not a Veterinarian;
 - 3) Using a prod, stick, electrical shock, chemical, physical force, starvation, pain or discomfort on an Animal in order to make it perform for entertainment purposes;
 - 4) Overworking an Animal causing injury to the Animal;

- 5) Using a whip or riding crop in a manner that causes injury to the Animal; or,
- 6) Teasing or Taunting Animals. No Person shall tease or taunt any Animal with the intent, purpose or effect of provoking a reaction from the Animal.

Section 4-3 ANIMAL RESTRICTIONS.

- (A) *Animal Restraint.* All persons owning, having charge, custody or control of any Companion Animal shall keep such Animal reasonably restrained to prevent damage or harm to people and property. Violation of this section is a violation of this Ordinance, and nothing herein shall be construed to preclude criminal or civil remedies available under state law.
- (B) *Animals At Large.* The Owner or custodian of a Companion Animal shall not allow it to run At Large or create a nuisance on another's property, be it public or private, including entering onto roadways, yards, driveways, walkways, or places of recreation,
 - 1) Unattended Companion Animals are to be restricted at all times by either a Secure Fence, a Secure Facility, a Secure Enclosure, secured in the back of a pickup truck on public roadways, inside a vehicle with proper ventilation, or be on a trolley or chain.
 - 2) Companion Animals accompanied by a Person or Owner must be accompanied by a Person or Owner able to control the Animal on leash, or contained by an invisible fence. A Companion Animal located on their own property may be restrained through the use of voice control by the Owner.
 - 3) 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.
 - 4) Companion Animals performing their duties as working animals on farms, ranches, search and rescue operations, ski valleys, or hunting within the boundaries of Taos County are not considered At Large.
- (C) *Animal Biting a Person.*
 - 1) The Owner of an Animal that bites a person and/or the person bitten by an Animal shall both report that occurrence to ASD within 24 hours of the occurrence. The Owner of an Animal that bites a person shall surrender said Animal to an ACO to impound said Animal for a ten (10) day period of observation, except that a vaccinated Animal may be confined on its Owner's premises during this time of observation.
 - 2) The Owner of the Animal shall bear the cost of confinement. The ACO may consent to confinement on the Owner's premises, but only if the Owner can produce evidence of 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 the ACO. A person who has custody of an Animal that has bitten a person shall immediately notify the Animal Control Officer if the Animal shows signs of sickness or abnormal behavior.
 - 3) A physician who renders treatment to a person bitten by an Animal shall report the fact that he has rendered such treatment to an Animal Control Officer within 24 hours of his first professional attendance to the bite wound. The physician shall report the name, sex and address of the person bitten as well as the type and location of the bite. The physician shall give the name and address of the

Owner of the Animal that inflicted the bite, if known, and other facts that may assist the ACO in ascertaining the immunization status of an Animal.

- 4) The owner of a Companion Animal, a Dangerous Dog, or a Potentially Dangerous Dog that bites a person may be subject to penalties provided by state law.
- (D) *Defecation.* No Person shall allow a Companion 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 or License tag to the collar or Harness of any Animal other than the Animal for which the Anti-Rabies or License tag was issued. No Person shall keep, manufacture or use a stolen, counterfeit or forged Animal Anti-Rabies Vaccination certificate, Rabies tag or License tag.
- (F) *Interference with an ASO.* No Person shall attack, assault or in any way threaten or interfere with an ASO or law enforcement officer in the performance of the duties required by this Ordinance.

Section 4-4 SALE OR GIFT OF AN ANIMAL.

- (A) *Public Property.* No Person shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise dispose of an Animal upon a street, sidewalk, public park, public right-of-way or other public property. Livestock, adoption events approved by the County, or any adoption events held by a County approved Rescue Group are exempt from the requirements of this section.
- (B) *Commercial Property.* No Person shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise dispose of any Animal upon commercial property including parking lots, with or without the property Owner's permission. Holders of Pet Store Permits, Breeder Permits, and Litter Permits are limited to the property the Permit was issued for. Livestock, adoption events approved by the County, or any adoption events held by a County approved Rescue Group are exempt from the requirements of this section.
- (C) *Residential Property.* No Person shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise dispose of any Companion Animal puppies or kittens upon residential property without a Litter Permit or a Breeder Permit.
- (D) *Sales Incentives.* No Person shall offer a live Companion Animal as an incentive to purchase merchandise or as a premium, prize, award, or novelty.
- (E) *Advertising.* No Person shall advertise puppies or kittens for sale without a valid Litter Permit or Breeder Permit number conspicuously listed in the advertisement.
- (F) *Turtles.* No Person shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise dispose of turtles except in conformance with appropriate federal regulations. Sales of turtles are limited to properly permitted Pet Stores.
- (G) *Exotic or Wild Animal.* No person shall own, possess, sell, trade, or display an Animal or species protected by or prohibited by either the New Mexico Game and Fish Department under 17-3-32 NMSA 1978 and regulations or the United States Fish and Wildlife Service under Title 50 of the Code of Federal Regulations. Exotic or Wild Animals may only be sold in accordance with state and federal law at properly Permitted Pet Stores.

Section 4-5 ANIMAL RACING.

It shall be unlawful for any person to hold, conduct, attend or operate live Animal racing for public exhibition, betting or special exhibition events. The exceptions to this prohibition are racing events held with the prior approval of the County.

Section 4-6 IMPROPER DISPOSAL OF ANIMALS.

Deceased Animals shall be properly disposed of in accordance with this Ordinance. Following the death of an Animal, the Owner shall be responsible for removing the corpse immediately and disposing of the body by burial on private land, cremation, or taking the Animal to an ASF. It is unlawful to dispose of the body of any Animal by dumping the corpse on public or private property, roads, or rights-of-way.

Section 4-7 ANIMAL NOISE.

No person shall allow an Animal in their possession, custody, or control to persistently or continuously bark, howl or make noise common to its species to the extent that it causes a nuisance to Persons. This provision shall not apply to approved ASFs as defined by this Ordinance.

Section 4-8 ANIMAL FIGHTS.

- (A) No Person shall promote, stage, hold, manage, conduct, carry on, train for or attend a game, exhibition, contest or fight in which one or more Animals is injuring, killing, maiming or destroying itself or other Animals. Without limitation on the foregoing, Dogfighting and Cockfighting are specifically included under this section as provided by state law.
- (B) 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.
- (C) No Person shall own, possess, keep, rear, breed, train, buy, sell, equip, sponsor, transport, advertise or otherwise offer to sell a fighting Animal.
- (D) No Person shall keep, use, manage, or accept payment for admission to, a place for the conducting of an Animal fight.

PART 5: IMPOUNDING OF ANIMALS

Section 5-1 IMPOUNDING OF ANIMALS AND NOTICE REQUIRED.

- (A) An ASO or law enforcement officer may capture, take up, and impound, or cause to be impounded, or quarantine any Companion Animal or Stray found in running At Large in the County, and any other Animal found in violation of, or kept or maintained contrary to, the requirements of, this Ordinance or state law.
- (B) An ASO shall make every reasonable attempt to notify the Owner of an Animal before impounding takes place. If an Animal is impounded, the ASO shall attempt to notify the Owner of such impoundment, as soon as practicable, if the Owner of such Animal is not already so informed. If the Owner is not known or if their identity or address cannot be reasonably determined, the ASO has no duty to give notice to the Owner prior to impoundment.
- (C) An ASO shall bring any Animal that is injured or ill to an ASF or to a licensed veterinarian for assessment of the health of the Animal. If an impounded Animal is certified designated by a licensed Veterinarian as suffering because of sickness or injury,

then it may be humanely euthanized pursuant state law, after the ASO gives notice or makes reasonable attempt to give notice to the Owner.

- (D) Nothing in this Ordinance shall relieve the Owner of an Animal for the payment of all reasonable charges for medical or care services rendered to the impounded Animal while in the custody of a Veterinarian, kennel, Animal clinic or hospital, grooming parlor or other ASF.
- (E) If an Animal bears identification tags, markings, or a Microchip, and the Owner cannot be located by the ASO, the Animal shall be confined to an appropriate ASF pending notification of the Owner or authorized agent, for a period of not less than three (3) days, excluding weekends and holidays. The day the Animal is impounded or the Owner notified, whichever is later, constitutes day one (1).
- (F) If an Animal bears no identification tags, markings or micro-chip, the Animal shall be impounded at an appropriate ASF for a period of not less than three (3) days, excluding weekends and holidays, commencing from the first day of impoundment.
- (G) If an Animal remains unclaimed after three (3) days of impoundment, the Animal shall be deemed abandoned, and shall become the property of the Animal Services Facility and may be impounded for an additional period, adopted out or held for other disposition at the discretion of the ASF.

Section 5-2 REDEMPTION OF IMPOUNDED ANIMALS.

- (A) Upon notification by an ASO or the ASF, an Owner or his authorized agent must redeem his or her Companion Animal within three (3) business days, excluding weekends and holidays, or make arrangements with the ASF for the Companion Animal's return. Any Animal not claimed by an Owner within three (3) days following notification shall be considered to have been abandoned and shall become the property of the ASF and may be impounded, adopted out, or held for other disposition at the discretion of the ASF.
- (B) Any Owner who redeems a Companion Animal from an Animal Services Facility must show the following upon claiming the Animal:
 - 1) Proof of current rabies Vaccination in the form of a Vaccination certificate;
 - 2) Proof of Alteration, or proof of a valid ICAL if the Animal is not Altered;
 - 3) Proof of License and Microchipping for a Companion Animal.
- (C) If proof of current rabies vaccination cannot be produced, the Owner of the impounded Animal may be cited by the ASO and must vaccinate the Animal within three (3) working days and must furnish proof of vaccination to the ASO. Failure to vaccinate the Animal within three (3) working days shall constitute a second violation of this Ordinance.
- (D) No impounded Animal shall be released from an ASF to an Owner or Qualified Adopter unless it has been Altered, Microchipped, Vaccinated and Licensed according to the requirements of this Ordinance.
- (E) *Three Strikes Rule.* The third time any Intact cat or dog is impounded by an ASO, the Animal's Intact Companion Animal License shall be revoked if issued and the Animal Altered prior to release to its Owner or Qualified Adopter. The Owner may stipulate the specific Veterinarian to perform the Alteration. The Owner shall bear all expenses associated with Alteration of the Animal. If proof of Alteration cannot be

produced, the Owner of the impounded Animal must obtain an ICAL prior to the Animal's release if the Animal is not already so permitted.

- 1) If it can be shown to the satisfaction of an ASO that an Intact Companion Animal was released At Large by a Person who is not the Owner or Custodian of the Animal, and was subsequently taken up and impounded by the County, that impoundment shall not count towards the "three strikes" restriction on Intact Companion Animals.
- (F) The Owner of any redeemed Animal shall, as required by the ASF, reimburse the ASF for Animal boarding, vaccination, Alteration, emergency Veterinarian costs, Licensing and Microchipping, and/or other expenses incurred by the ASF for any Animal legally boarded or impounded under the provisions of this Ordinance.

PART 6: LOST AND FOUND ANIMALS.

Section 6-1 LOST AND FOUND COMPANION ANIMALS.

(A) *Lost Companion Animal.*

- 1) Owners who lose a Companion Animal shall contact ASD and report the loss within 48 hours.
- 2) The Owner shall provide to ASD the Owner's name, address, telephone number, a description of the Companion Animal together with any identification information such as an affixed License Tag or Microchip, a photograph if possible, the date of the loss, and the last known location of the Companion Animal prior to the loss.

(B) *Found Companion Animal.*

- 1) Any Person who finds a Stray Companion Animal may possess and temporarily care for such Companion Animal pursuant to the terms of this Ordinance. Within 24 hours of the time the Companion Animal is found, the Finder must contact ASD and register as a Finder with ASD.
- 2) The Finder may keep such Companion Animal at the household of the Finder and need not deliver the Animal to an ASF so long as the requirements of this Ordinance are met.
- 3) To register, the Finder shall provide a description of the Companion Animal including, when applicable, any License, Microchip or other identification on the Companion Animal, the time and date when the Animal was found, and the location where the Animal was found. The Finder may determine if the Companion Animal is Microchipped by delivering the Animal to ASD or an ASF so it can be scanned.
- 4) No Person who cannot qualify as a Qualified Adopter shall register or be allowed to register hereunder as a Finder and such Person must immediately surrender the found Animal to ASD upon demand.
- 5) Within ten (10) days of the registration date, if any Person purports to be the actual Owner of the Companion Animal, such Person shall contact ASD and not the Finder. ASD may require Proof of Ownership. If the claimant is in fact the Owner, ASD shall order the registered Finder to return the Companion Animal to ASF for reclaim by the Owner and the Finder shall comply.
- 6) If the Companion Animal is or may be the subject of a dispute between the Finder and any other Person concerning Ownership or Custody of the Companion

Animal, the Finder must immediately surrender the Found Animal to ASD upon demand.

- 7) If the Finder wishes to own the Found Companion Animal, the Finder shall so notify ASD and said Animal shall become the property of the Finder ten (10) days from the registration date if no Person reclaims the Companion Animal. The Finder shall License, Permit, Microchip, and/or Alter the Companion Animal according to the requirements of this Ordinance when the Finder becomes the new Owner under this section.

PART 7: RABIES

Section 7-1 RABIES.

- (A) *Anti-Rabies Vaccination.* All Owners of Companion Animals or ferrets over the age of three (3) months shall have their Animals Vaccinated against rabies in accordance with state law. The duty to provide an Anti-Rabies Vaccination does not discharge the Owner from the duty to provide other Vaccinations and reasonable medical treatment for Companion Animals. The Owner of a Companion Animal or a ferret shall produce its certificate of Anti-Rabies Vaccination upon demand by ASD. The County may require Animals other than Companion Animals or ferrets to receive annual Anti- Rabies Vaccinations.
- (B) *Potentially Rabid Animals.* The Owner of an Animal having rabies or showing signs of rabies, an Animal bitten by a rabid Animal, or an Animal that has been exposed to rabies shall immediately isolate the Animal in a Secure Facility or within a Secure Fence where it cannot possibly come into contact with any other Animals or humans other than the Owner. Any Person who has knowledge of an Animal infected by or exposed to rabies shall immediately notify ASD or law enforcement of the location of the affected Animal. The Animal shall be surrendered by its Owner to the County upon demand. The Animal shall be dealt with in accordance with state law. It is the duty of the Owner of an Animal that Bites a Person and of the Person bitten by an Animal to report the Bite to ASD or law enforcement within 24 hours after the Bite occurs. If deemed necessary by the County, the Owner shall surrender the Animal to the County for Impoundment, Quarantine, observation or destruction, and rabies testing at the County's discretion. A physician who renders medical treatment to a Person bitten by an Animal shall report the Bite to ASD or law enforcement within 24 hours of such treatment. Such medical treatment shall be paid for by the Owner of the Animal. The physician shall report the name, sex, and address of the Person bitten, as well as the type and location of the Bite on the Person's body. The physician shall give the name and address of the Owner of the Animal to the County and, if known, any other facts that may assist ASD or law enforcement in locating the biting Animal and in ascertaining the immunization status of the Animal.
- (C) *Quarantine.* An Animal that has bitten or is suspected of biting a Person shall be confined securely at a location for a period of time deemed necessary by ASD. The Owner of the Animal shall be responsible for and bear the cost of confinement. If the Owner does not confine the Animal as required by the County, ASD may seize and Impound the Animal and will keep it under Protective Custody at an ASF for no longer than fifteen (15) days and the Owner shall pay all related costs before Reclaiming the

Animal. After fifteen (15) days of Protective Custody under this subsection, the Animal will become the property of the County and may be routed or disposed of under the requirements of this Ordinance. ASD may consent to confinement on the Owner's premises only if the Owner can prove to ASD's satisfaction that the Animal cannot escape. Before the Owner's premises can be used for Animal confinement, the premises shall be inspected and must be approved for such purpose by ASD. A Person who has custody of an Animal that has bitten a Person shall immediately notify ASD or law enforcement if the Animal shows any signs of sickness, abnormal behavior or if the Animal escapes confinement. If the Animal dies while in confinement, the Person having custody of the Animal shall notify ASD immediately and surrender the deceased Animal to the County. Any Animal Quarantined for rabies will, on completion of the Quarantine period, be Microchipped for Permanent Identification as a condition of Quarantine prior to release or reclaim. The Owners of any Animal Quarantined by the Owner will immediately make arrangements for Microchipping their Quarantined Animal with a Veterinarian of their choice or at the ASF, with the cost for such services being borne by the Owner. Microchipping a Quarantined Animal must be completed within ten (10) days of the Quarantine and failure to do so is a violation of this Ordinance.

(D) Veterinarians.

- 1) The Veterinarian administering the Anti-Rabies Vaccine to an Animal shall issue the Owner an Anti-Rabies Vaccination certificate and tag, each bearing the same number. The Veterinarian shall legibly record, on the approved certificate, in the appropriate areas: the name and address of the Owner of the Animal, a description of the Animal, the date of Vaccination and the expiration date of the period of immunity, Alteration status, and Veterinary practice name.
- 2) Each Veterinarian that Vaccinates or issues Licenses shall deliver to ASD information regarding all Anti-Rabies Vaccinations administered and Licenses sold during the preceding month by the fifteenth day of the following month by either hard copy or in an electronic format approved by the County.
- 3) Veterinarians shall post and maintain a sign clearly visible to the public stating that dogs and cats must have a County of Taos Companion Animal License and have anti-rabies vaccinations as mandated by the state of New Mexico and the County of Taos.

PART 8: ADMINISTRATIVE HEARINGS AND PENALTIES

Section 8-1 INSPECTIONS AND HEARING PROCESS.

- (A) Licensing and Permitted matters must be regulated by the County to protect Animals and the public. A License or Permit is not a property right and can be revoked, suspended, conditioned or limited by the County. The County may declare moratoria regarding the issuance of Licenses or Permits or temporarily limit or condition Licenses or Permits from time to time. Any Person who does not have a License or a Permit and is engaged in any activity that requires a License or a Permit under this Ordinance is in violation of this Ordinance and, upon conviction thereof, shall be subject to the penalty provisions set forth in Section 4-37-3 NMSA 1978, providing for a fine of up to \$300 and/or 90 days imprisonment. Each day of activity without a License or a Permit is a separate petty misdemeanor offense. The absence of a License or Permit and engagement in activity

prohibited hereunder is prima facie evidence of a violation of this Ordinance. Licenses and Permits are not transferable. The following provisions apply to issuance, revocation, suspension or limitation and other administrative enforcement actions concerning Licenses or Permits.

- (B) *Violations and Inspections.* If the County discovers a violation of this Ordinance by a License or Permit Holder or any citizen complaints about the activities allowed under a License or Permit and the County finds probable cause for the violation of the Ordinance, the County shall give notice of the violation(s) by means of an inspection report or other written notice. The notification shall:
- 1) Set forth each specific violation;
 - 2) Establish a specific and reasonable period of time for the correction of the violation;
 - 3) State that failure to comply with a notice issued in accordance with the provisions of this Ordinance may result in immediate suspension or revocation of the Permit; and
 - 4) State that an opportunity for appeal from a notice or inspection findings will be provided if a written request for a hearing is filed with the County within seven (7) calendar days of receipt of the notice.
- (C) *Notice.* Notices under this section shall be deemed properly served and received when the original inspection report or other notice has been personally served on the License or Permit Holder or the Person in Charge by the County or sent by registered or certified mail to the last known address of the License or Permit Holder.
- (D) *Suspension.* Licenses or Permits may be suspended for failure of the Holder to comply with the requirements of this Ordinance or other applicable laws, ordinances or regulations. The suspension may be lifted when the County determines the violations have been corrected.
- (E) *Revocation.* Licenses or Permits may be revoked for serious or repeated violations of the requirements of this Ordinance, or for violation of other applicable laws, ordinances or regulations. A License or Permit revocation is permanent and a second License or Permit of any kind will not be granted to the previous Holder or any Person in privity with the previous Holder. The License or Permit shall be surrendered to the County upon suspension or revocation.
- (F) *Reinspection.* A Person whose License or Permit has been suspended may apply for an inspection of the premises or Animal for the purpose of reinstating the License or Permit by filing an additional application for a License or Permit at ASD on the form provided by the County. Within five (5) working days after ASD receives the application, the County shall make an inspection. If the applicant is compliance with the requirements of this Ordinance and all other applicable laws, regulations, and state law, the License or Permit shall be reinstated. The reinstated License or Permit shall expire on the date of expiration of the previously suspended License or Permit.
- (G) *Revocation of Exotic or Wild Animal Permit.* If an Exotic or Wild Animal Permit is suspended or revoked, all Animals received, purchased, owned or kept under the authority of the Permit shall be surrendered to ASD for Impoundment as provided in the Impoundment section of this Ordinance. After a period of at least seven (7) days, if the violations of the Ordinance which resulted in suspension or revocation of the Permit have not been corrected, the County may sell or dispose of the Animal(s) in a humane manner.

- (H) *Appeal.* A Person whose application for a License or Permit or renewal has been approved on condition or denied, or a License or Permit Holder whose Permit has been suspended or revoked, may submit to ASD a written request for a hearing, provided that the written request is received at ASD within five (5) days of the applicant's receipt of the written notice of denial or conditional approval. The hearing shall be conducted within a reasonable time.
- (I) *Hearing.* Hearings shall be conducted by the County at a time and a place designated by the County and shall be recorded. All witnesses shall be sworn or affirmed. Written notice of the time, date and place of the hearing shall be mailed to the applicant and the County.
- (J) *Preclusion and Default.* The Administrative Hearing Officer may render a decision without proceeding with the hearing if the Administrative Hearing Officer determines that the issue has been previously decided in another proceeding which provided due process. If the applicant or the County fails to appear at a scheduled hearing, the Hearing Officer may postpone the hearing for a period of no more than five (5) business days or may determine that the absent party has waived his right to a hearing. Both parties shall be notified of such determination.
- (K) *Recording.* The hearing shall be recorded by audio method, but need not be transcribed unless a written transcript is requested, in which case the cost of transcription shall be borne by the party requesting transcription. If one party prefers to have the hearing transcribed by a court reporter, that party shall pay all directly related costs, and the party requesting transcription shall pay the cost of transcription.
- (L) *Decision.* The Hearing Officer shall prepare a written report of his findings and decision within ten (10) calendar days after the hearing and shall provide copies to the parties.
- (M) *Fee.* A nonrefundable hearing fee of \$50 shall accompany the appeal to the County filed pursuant to this section.

APPENDIX A

TAOS COUNTY
ANNA MARTINEZ, CLERK
000405814
Book 888 Page 43
43 of 44
09/10/2015 09:38:48 AM
BY AMANDAA

LICENSE AND PERMIT FEES.

- (A) The Taos Companion Animal License fee is \$10 per Animal. The License fee is waived for Seniors, Low Income Persons, Veterans, and Service Animals.
- (B) The Taos Intact Companion Animal License fee is \$50 per female Animal, \$25 per male Animal.
- (C) Permit Fees.
 - 1) Multiple Companion Animal Site Permit fee is \$25 per site.
 - 2) Breeder Permit fee is \$100 per breeding Animal.
 - 3) Companion Animal Litter Permit fee is \$25 per litter.
 - 4) Exotic or Wild Animal Collection Permit fee is \$35.
 - 5) Dangerous Dog Permit fee is \$50 per Animal.
 - 6) Potentially Dangerous Dog Permit fee is \$50 per Animal.
 - 7) Guard Dog Site Permit fee is \$50 per site.
 - 8) Animal Service Provider fee is \$25 per year.
 - 9) Pet Store Permit fee is \$50 per year.
- (D) Renewal Fees for all Licenses and Permits are 50% of the cost of the original application.
- (E) This schedule of fees is effective as of the date of passage of this Ordinance, and may be amended by Resolution of the Board of County Commissioners. Any such amendment shall become effective on the date such Resolution is recorded in the office of the County Clerk.

Passed, adopted and approved this 18th day of August, 2015.

BOARD OF COUNTY COMMISSIONERS
 OF TAOS COUNTY, NEW MEXICO


 Tom Blankenhorn, Chairman


 Jim Fambro, Vice-Chairman


 Mark Gallegos, Commissioner


 Gabriel J. Romero, Commissioner


 Candyce O'Donnell, Commissioner



Attest:


 Anna Martinez
 Taos County Clerk

Approved as to Legal Form:


 Quela Robinson
 Taos County Assistant Attorney



VOTE:

Tom Blankenhorn	<u>Yes</u>	No	Abstain	Absent
Jim Fambro	<u>Yes</u>	No	Abstain	Absent
Mark Gallegos	<u>Yes</u>	No	Abstain	Absent
Gabriel Romero	<u>Yes</u>	No	Abstain	Absent
Candyce O'Donnell	<u>Yes</u>	No	Abstain	Absent