INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-076

AN ORDINANCE AMENDING THE CODE OF THE INCORPORATED COUNTY OF LOS ALAMOS BY AMENDING CHAPTER 6 RELATING TO ANIMALS

THE INCORPORATED COUNTY OF LOS ALAMOS HEREBY ORDAINS:

Section 1. Sections 6-1, 6-2 and 6-3 of the Code are amended to read as follows:

Sec. 6-1. Definitions.

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

~~Animal means any vertebrate excluding man.~~

Attack means aggressive physical contact between any animal and human resulting in physical injury.

Bite means a puncture, tear or indentation of the skin inflicted by the teeth of an animal.

Dangerous animal means any animal that, without justification, attacks a person or another domestic animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses

an unjustified imminent threat of serious injury or death to one or more persons or domestic animals and livestock.

Designated voice and sight control area means areas appropriately posted after designation by regulation of the parks division to be a voice and sight control area for dogs.

Designated dog-training zone means any area appropriately posted after designation by regulation of the parks ~~maintenance~~ division ~~or the school district~~ to be a dog-training zone.

Dog pack means three or more dogs running together.

Dog park means any fenced off-leash dog play area designated by parks for that purpose.

Domestic or pet animal means any animal commonly kept as a pet in family households in the United States, and any animals commonly kept for companion or commercial purposes or protection or for sale to others for such purposes including, but not limited to dogs, cats, rabbits, rodents, birds, reptiles, fish, and any other species of animals that are sold retained as a household pet but shall not include skunks, and any other species of wild or exotic animal that may be further restricted by law.

Exotic animal means an animal which is rare or different from ordinary domesticated animals and is not indigenous to the state and commonly found in pet stores including, but not limited to: guinea pigs, rabbits, ferrets, hamsters, fish, reptiles, and birds.

~~Inhabited area means any area within 25 meters of any residence, school, church, public or commercial building, or public park.~~

Keeper means the owner or any person who keeps or has control or custody of an animal for more than six days, provided that this term shall not apply to veterinarians or kennel owners temporarily maintaining on their premises animals owned by others.

Livestock means animals defined as livestock by the New Mexico Livestock Board.

Menace means the actions of a dog, not on the property of its keeper or person having charge of the dog, that is unprovoked, hostile or dangerous behavior toward a person or a domestic animal by growling, barking or doing some other act likely to cause fear in the person of bodily harm to the person or that person's domestic animal.

Quarantine means to detain or isolate an animal suspected of being infected with rabies ~~or any other contagious disease~~.

Stray means any animal without an identifiable keeper.

Unattended dog means not in the physical presence and within sight of a keeper who shall be a person of such age and maturity to be reasonably responsible therefor. ~~A~~An owner or keeper inside an enclosed structure shall not be considered to be in the physical presence of a dog not in the enclosed structure.

~~Verbal control means the ability to control and actual accomplishment of control of an animal attended by a responsible person who shall be a person of such age and maturity as to be reasonably responsible therefor.~~

~~Vicious animal means any animal that, without provocation, bites in an aggressive manner or in any similarly dangerous manner attacks or attempts to attack any person or domestic animal; provided, however, that the term shall not apply to an animal that bites, attacks, or attempts to attack any person unlawfully upon its owner's or keeper's premises, or to an animal provoked to attack.~~

Voice and sight control means the keeper has the ability to control the dog by voice command and the dog must respond immediately to that command. Further, the dog must remain within sight of the keeper. Even in designated voice and sight control areas in Los Alamos, the dog must be on a leash unless it meets the requirements of voice and sight control.

Wild animal means any animal ~~which~~that is wild by nature and cannot normally be domesticated or controlled; including any animal regulated by the New Mexico Department of Game, the United States Fish and Wildlife, and/or the USDA.

Working dog means any dog, regardless of breed, that is being trained or used for the purpose of guarding, herding detection, search and rescue, dog sports, assistance of people as service dogs, or assistance of the police.

Sec. 6-2. Proximity to human habitation ~~and maximum numbers~~.

(a) ~~Residential~~In residential agricultural district (R-A)~~. In the R-A residential agricultural district,~~ any animal, except swine and unaltered male goats, may be kept in accordance with the following:

(1) ~~The number of livestock, including horses, cattle, sheep, burros or goats, allowed on one lot shall be limited to 1 1/2 per acre, plus one. Offspring of the number of livestock shall be excluded from this allowance until of breeding age.~~All pet animals shall be kept in such a manner as to not constitute a nuisance to the surrounding area as follows:

a. No offensive noise or odor shall be produced;
b. Areas devoted to pets or small animals, including accessory buildings and structures, shall be constructed and maintained to discourage the concentration and breeding of insects or rodents.

(2) ~~Rabbits, fowl or poultry, including chickens, turkeys, geese or game birds, shall be limited to 25 rabbits or mixed fowl per acre. Offspring of the number of such rabbits, fowl, or immature rabbits or fowl, shall be limited to 50 per acre~~Livestock, may be kept not closer than 45 feet to any residence regularly used for human habitation. Also, livestock may not be kept or confined within 60 feet of the line separating the residential agricultural district from an adjacent residential district. Areas devoted to livestock, including accessory buildings and structures, shall be constructed and maintained to discourage the concentration and breeding of insects or rodents.

~~(3) Dogs, cats and their offspring shall not be limited, but shall be subject to the provisions of subsection (a)(4) of this section.~~

~~(4) All animals shall be kept in such a manner as to not constitute a nuisance to the surrounding area as follows:~~

~~a. No offensive noise, odor or dust shall be produced;~~
~~b. Areas devoted to livestock and fowl, including accessory buildings and structures, shall be constructed and maintained to discourage the concentration and breeding of insects or rodents.~~

~~(5) Livestock, rabbits, fowl or poultry may be kept not closer than 45 feet to any residence regularly used for human habitation. Also, livestock may not be kept or confined~~

~~within 60 feet of the line separating the residential agricultural district from an adjacent residential district.~~

(b) ~~All~~In all residential districts excluding the residential agricultural (R-A) ~~district~~districts of Pajarito Acres and La Senda,~~. In all residential districts, excluding the residential agricultural district,~~ animals may be kept in accordance with the following:

(1) No~~ cows, horses, swine, sheep, goats or other~~ livestock shall be kept within 200 yards of a residence regularly used for human habitation.

(2) ~~No more than a combined total of four animals shall be kept within 200 yards of a residence regularly used for human habitation, including dogs, cats, rabbits, fowl or poultry, including chickens, turkeys, geese or other game birds. However, offspring of such animals may be kept for a period of 90 days after birth without restriction as to number.~~All pet animals shall be kept in such a manner as to not constitute a nuisance to the neighborhood as follows:

a. No offensive noise or odor shall be produced; and
b. Areas devoted to small animals including accessory buildings and structures, shall be constructed and maintained to discourage the concentration and breeding of insects or rodents.

Sec. 6-3. Animals at large.

(a) No person shall allow any animal to roam or stray or to be off the keeper's premises unless it is at all times under physical restraint of a responsible person of sufficient age and maturity to be able to physically restrain the animal.

(b) All unattended ~~dogs~~animals shall at all times be confined or physically restrained. Such confinement or restraint shall not allow the ~~dog~~animal access beyond the boundaries of the premises available for the exclusive private use of the ~~dog's owner or~~animal's keeper.

(c) Except within the premises available for the exclusive private use of its ~~owner or~~ keeper~~ and except in R-A zoned areas and designated dog training zones, a dog located in an inhabited area shall at all times be confined or physically restrained on a secure leash not exceeding eight feet in length. A dog located in an R-A zoned area or a designated dog training zone shall at all times be under verbal control of its keeper if not confined or restrained~~all animals other than working dogs shall at all times be confined or physically restrained on a secure leash.

(d) ~~The parks maintenance division shall formulate and issue regulations for designation of dog training zones and shall post signs appropriate therefor.~~Animals that are under voice and sight control in a designated area, animals that are classified as working dogs, and animals roaming within dog parks or training within a designated dog training zone or on a designated dog training field shall not be deemed animals at large and are expressly permitted to be off-leash under said conditions.

Section 2. The Code is amended by adding to Chapter 6 a new section to be numbered 6-4, which section reads as follows:

Sec. 6-4. Dogs – voice and sight control.

(a) When in designated voice and sight control areas including Los Alamos County Trail Network trails on county land and as further indicated in the attached Exhibit A, a dog shall at all times be under voice and sight control of its keeper if not confined or restrained by lease.

(b) Keepers must have a leash for each dog under voice and sight control in their possession at all times.

(c) No more than two dogs may be under voice and sight control per keeper at any time.

(d) If a dog runs up to people, other dogs, horseback riders, cyclist, inappropriately chases wildlife, or will not consistently respond to its keeper immediately upon command, the dog must be leashed.

(e) Dogs shall be leashed on all trails within 100 yards of trail heads regardless of the fact that the area is designated a voice and sight control area.

(f) Voice and sight control requirements include:

(1) The dog must be attended by a responsible person or such age and maturity to be reasonably responsible therefore.

(2) The dog must never:

a. charge, chase, or display aggression towards any person, or behave in a way that any reasonable person may find harassing or disturbing;

b. charge, chase or display aggression towards any dog or other animal;

c. charge, chase, or disturb wildlife or livestock;

d. charge, chase, or display aggression towards cyclists, joggers, equestrians;

e. fail to come to and stay with the keeper immediately upon command by that person regardless of the distraction; and

f. remain within its keeper's field of vision at all times.

(g) The parks division shall formulate and issue regulations for designation of designated voice and sight control areas, dog-training zones and dog parks and shall post signs appropriate therefore.

Section 3. Sections 6-4 and 6-5 of the Code are amended to read as follows:

Sec. ~~6-4~~6-5. Animals at large; penalty.

Any person violating the provisions of section 6-3 shall, upon conviction, be fined a minimum of $25.00. A greater fine or other penalty may be imposed in accordance with section 1-8.

Sec. ~~6-5~~6-6. ~~Nuisances~~Unreasonable animal noise prohibited.

(a) No person shall own or keep any animal, licensed or not, which by barking or making of other noises~~, or by attacking or biting, or by threat of attacking or biting,~~ causes annoyance to the neighborhood or to passersby except such noises made by livestock, whether from commercial or noncommercial activities on land which is properly zoned to allow keeping of livestock, and such sounds made in facilities licensed under and in compliance with the provisions of this code. ~~Every animal in heat shall be confined to a building or other secure enclosure so that contact with a male of the same species will be prevented except for intentional breeding purposes. Keepers who do not comply with this section may be required to place such animal in a boarding kennel or veterinary hospital at the keeper's expense.~~

(b) ~~If, at the time of violation, any animal in violation of this section is on its keeper's premises, and the keeper cannot be located, or refuses or is unable to effect abatement of the offending action on the part of the animal, the municipal judge may direct any peace officer or the animal control officer to impound the animal, provided that notice of such impoundment is left in a conspicuous place on the keeper's residence.~~It shall be affirmative defense under this section that the animal was intentionally provoked to make such noise.

(c) ~~Any animal impounded under this section may be redeemed by its keeper under provisions of section 6-9. If the keeper has not claimed the animal within a period of ten days, the chief of police or a person designated by him shall notify the keeper by mail that the animal will be declared abandoned. Such declaration of abandonment may be made ten days after sending such notice, and the animal may be disposed of under the provisions of section 6-11.~~ Every animal in heat shall be confined to a building or other secure enclosure so that contact with male of the same species will be prevented except for intentional breeding purposes. Keepers who do not comply with this section may be required to place such animal in a boarding kennel or veterinary hospital at the keeper's expense.

Section 4. The Code is amended by adding to Chapter 6 new sections to be numbered 6-7, 6-8 and 6-9, which sections read as follows:

Sec. 6-7. Impounding.

Any animal impounded may be redeemed by its owner or keeper under provisions of section . If the owner or keep has not claimed the animal within a period of ten days, the

chief of police or a person designated by him shall notify the owner by mail that the animal will be declared abandoned. Such declaration of abandonment may be made ten days after sending such notice, and the animal may be disposed of under the provisions of section .

Sec. 6-8. Removal of excrement.

(a) It shall be unlawful for the keeper of any dog or cat to fail to promptly remove and dispose of in a sanitary manner excrement deposited by the dog or cat.

(b) Animal excrement shall not be placed in storm sewers or street gutters, but shall be disposed of in a sanitary manner.

(c) It shall also be unlawful under this section to permit excessive animal excrement to accumulate on any property to the degree that it becomes offensive or injurious to health or constitutes a nuisance.

(d) Failure to remove and properly dispose excrement can result in fines up to $500 and/or 90 days in jail as pursuant to Sec. 1-8 of this code.

(e) Nothing in this section 6-8 is intended or shall be deemed to prohibit an owner or keeper of an animal from adequately providing by alternative arrangements for the removal of excrement by working dogs in performance of their duties or livestock at public events.

Sec. 6-9. Menacing Behavior.

(a) It shall be unlawful for any owner or keeper to permit a dog or any other animal when not on the property of its keeper to menace the persons or domestic animals of others.

(b) If a person is found guilty in municipal court of keeping or owning a menacing dog or other animal, in addition to any other court ordered mandates, the court may require as a condition of probation or a suspended sentence that the animal and its keeper attend training sessions, or specialized training conducted by an animal behaviorist, veterinary behaviorist or other recognized expert in the field. The court may mandate completion of the training or any other treatment deemed appropriate by an expert. The keeper of the dog or other animal shall be responsible for all costs associated with the evaluation and training ordered under this section.

Section 5. That Section 6-6 of the Code is amended to read as follows:

Sec. ~~6-6~~6-10. Bites; impounding.

(a) Every case of an animal biting a person shall be reported to the animal control officer who may order the offending animal to be confined at any time during the ten days next following the bite. Confinement shall be at the animal shelter, a veterinary hospital or an approved kennel; provided, however, that if the animal has a current rabies vaccination and the area involved is not under quarantine for rabies, the animal may be confined at the keeper's home. ~~Home confinement shall not be permitted unless the premises have been inspected and approved for such purpose by the animal control officer.~~No animal shall be impounded if it has a current rabies vaccination and it is determined that the animal is not a dangerous animal or if it is a working dog and the bite occurred in service as such.

(b) Any expenses incurred by the confinement of such animal shall be assumed by the keeper. If the animal is confined and, after ten days next following the bite, no rabies is found to be present or suspected, the animal may be released to the keeper upon payment of any pickup fees and boarding fees which may be due.

(c) If at any time during the ten-day period the animal dies, its head shall be submitted to the state scientific laboratory for confirmation of rabies.

Section 6. The Code is amended by adding to Chapter 6 new sections to be numbered 6-11 and 6-12, which sections read as follows:

Sec. 6-11. Dangerous animal.

(a) No person shall own, house, keep or be in charge of any dangerous animal. In determining whether an animal constitute a dangerous animal the court shall consider the following:

(1) In the case of the animal being a dog, the dog's breed shall not be the sold consideration in determining whether or not it is dangerous.

(2) In the case of dogs or cats, neither growling, barking, hissing, nor all, shall alone constitute grounds upon which to find a animal to be "dangerous."

(3) An animal shall not be declared dangerous if:

a. the animal was protecting or defending a person within the immediate vicinity of the animal from an attach or assault;
b. at the time the person was committing a crime or offense upon the property of the owner, or custodian, of the animal;
c. the person was teasing, tormenting, abusing or assaulting the animal, or in the past had teased, tormented, abused or assaulted the animal;
d. the animal was attacked or menaced by another domestic animal, or the domestic animal was on the property of the owner, or custodian, of the offending animal;
e. the animal was responding to pain or injury, or protecting itself, its housing or its offspring;
f. the person or domestic animal was disturbing the animal's natural functions such as sleeping or eating.

Sec. 6-12. Penalty.

The penalty imposed for violation of this article shall include a fine not to exceed $500 or imprisonment not to exceed 90 days. Every day of any violation of this section constitutes a separate offense. The municipal judge may suspend, in whole or in part, the execution of sentence or may place the defendant on probation for a period not to exceed one year on terms and conditions the municipal judge deems best to ensure the safety of the public concerning the disposition of an animal judicially determined to be dangerous, up to and including the animal's removal and banishment from the boundaries of the county or its humane destruction. In no case where an animal has bitten a person shall the animal be destroyed or removed from the jurisdiction of the municipal judge or the animal control officer for a period of at least ten days or until a rabies determination has been made. Section 6-6 shall be strictly complied with.

Section 7. Sections 6-7, 6-8, 6-9, 6-10 and 6-11 of the Code are amended to read as follows:

Sec. ~~6-7~~6-13. Abandonment.

No person shall abandon any animal within the county.

Sec. ~~6-8~~6-14. Impounding of animals at large and strays.

(a) It is the duty of any ~~peace~~police officer and the animal control officer to impound or arrange for the impoundment of any animal found running at large, in violation of this chapter, and any pet or domestic animal which appears to be abandoned by its keeper or which appears to have become lost. Any citizen shall have the same authority as is granted in this section to a ~~peace~~police officer and shall immediately inform a ~~peace~~police officer of such impoundment.

(b) Animal control officers, in performance of their duties, may enter upon accessible private property, for the purpose of apprehending animals running at large and stray animals; provided, however, that except in cases of emergency, private property shall not be deemed to be accessible for this purpose if the property is the interior of a dwelling unit or if reasonable expectations of privacy are otherwise indicated.

(c) The animal control officer and ~~peace~~police officers, upon impounding or receiving any animal, shall register such animal by entering the breed, color and sex of the animal, the license number, if known, and the time and place such animal was apprehended into the registry kept for this purpose.

(d) If the keeper of an impounded animal is known, a reasonable effort must be made to notify the keeper immediately. If the keeper of the animal is not known or cannot be contacted, notice of the impoundment shall be posted in a conspicuous place at the animal shelter.

(e) The animal control officer, upon impounding a wounded animal, may procure necessary veterinary care for the animal. Costs of such care shall become the obligation of the keeper.

Sec. ~~6-9~~6-15. Redemption of impounded animals.

Unless the animal has been impounded for observation under this chapter, any impounded animal may be redeemed by its keeper immediately upon payment to the county of a pickup fee and a boarding fee as prescribed in section 6-123.

Sec. ~~6-10~~6-16. Adoption of unclaimed animals.

All impounded animals shall be redeemed within ten working days after impoundment. Any animal, except one impounded under section 6-5, not redeemed within the required period, shall become the property of the animal shelter and may be placed for adoption upon payment of adoption fees as prescribed in article III of this chapter or the animal may be humanely destroyed and properly disposed of. However, no such animal shall be placed for adoption during any quarantine period which may have been imposed by this chapter.

Sec. ~~6-11~~6-17. Unwanted animals.

~~Upon payment of a fee as prescribed in article III of this chapter, the~~The Los Alamos County operated animal shelter will accept any dog or cat, which the keeper no longer wants or cannot keep, and will place such animal for adoption for a period of five days after which time it may be humanely destroyed. The owner or keeper of the animal must be a resident of Los Alamos County.

Section 8. Section 6-12 of the Code is deleted in its entirety.

~~**Sec. 6-12. Euthanasia at keeper's request.**~~

~~Upon written request of the keeper, dogs and cats less than three months of age belonging to residents of the county will be destroyed free of charge to the keeper at the county animal shelter.~~

Section 9. Section 6-13 and 6-14 of the Code are amended to read as follows:

Sec. ~~6-13~~6-18. Interference with officers or county animal shelter.

It is unlawful for an unauthorized person to take or let out any animals from the county animal shelter, or to take or attempt to take from any ~~peace~~police officer or animal control officer any animal seized by the officer in compliance with this chapter, or in any manner interfere with or hinder such animal control officer or ~~peace~~police officer in the discharge of duties under this chapter.

Sec. ~~6-14~~6-19. Cruelty to animals.

(a) It is unlawful for the keeper of any dog, cat or other pet or animal to willfully or through negligence injure or mistreat such pet or animal, by excessive beating, kicking or other physical abuse; failure to provide food, water or veterinary care; failure to provide clean shelter or other areas of confinement of adequate size; or other acts of cruel and inhumane treatment.

(b) It is unlawful for any person to kill or injure any dog, cat or other pet or animal, by shooting, striking, kicking, poisoning or by any other means, except in defense of person or

property, or as provided in ~~sections~~section ~~6-11 and~~ 6-12. ~~No person shall harass or taunt any dog, cat, pet or other animal which is on the premises of its keeper.~~ ~~Nothing~~However, nothing in this subsection shall apply to a licensed veterinarian in the use of euthanasia when authorized by the pet's keeper or police officers in the performance of their duty.

(c) It is unlawful for any person to cause, instigate or promote any fight in which two or more animals are engaged for the purpose of injuring, maiming or destroying themselves or another animal.

(d) It is unlawful for any person to sell, offer for sale, barter or give away any live animal as a premium, prize, award, novelty or incentive to purchase merchandise. It is unlawful to color, stain or dye any chicken, duckling or fowl.

Section 10. Section 6-15 of the Code is deleted in its entirety.

~~**Sec. 6-15. Vicious animal.**~~

~~(a) No person shall own, house, keep or be in charge of any vicious animal.~~

~~(b) Upon a judicial determination that an animal is vicious, the penalty imposed for violation of this section shall include a fine not to exceed $500.00 or imprisonment not to exceed 90 days. Every day of any violation of this section constitutes a separate offense. The municipal judge may suspend, in whole or in part, the execution of sentence or may place the defendant on probation for a period not to exceed one year on terms and conditions the municipal judge deems best to ensure the safety of the public concerning the disposition of an animal judicially determined to be vicious, up to and including the animal's removal and banishment from the boundaries of the county or its humane destruction. In no case where an animal has bitten a person shall the animal be destroyed or removed from the jurisdiction of the municipal judge or the animal control officer for a period of at least ten days or until a rabies determination has been made. Section 6-6 shall be strictly complied with.~~

Section 11. Section 6-16 of the Code is amended to read as follows:

Sec. ~~6-16~~6-20. Wild and exotic animals.

~~(a) No person shall keep or harbor the following animals:~~

~~(1) Wild animals kept in such numbers or in such manner as to constitute a likelihood of harm to the animals themselves or to other animals, or to human beings, or to the property of human beings, or which constitute a public or private nuisance;~~

~~(2) Exotic or wild animals prohibited by federal or state law;~~

~~(3) Bats; or~~

~~(4) Skunks.~~

~~(b) No person shall receive, purchase, own or keep wild or exotic animals without first applying for and receiving from the administrator and from the state department of game and fish a permit to do so. The applicant must provide evidence of knowledge and facilities for the care and feeding of the animals involved. The administrator is permitted to enter the premises of any permittee under this chapter at any reasonable time for the purpose of inspection or reinspection to determine compliance with this chapter. The fee for such a permit is prescribed in article III of this chapter. Each such permit shall be renewed annually. A separate permit shall be required for each species of wild or exotic animal. This section shall not be construed to apply to zoological parks, performing animal exhibitions or circuses.~~No person shall receive, purchase, own or keep wild or exotic animals without first applying for and receiving from the New Mexico Department of Game and Fish, United States Fish and Wildlife, and/or USDA permit to do so.

Section 12. Section 6-51 and 6-52 of the Code is amended to read as follows:

Sec. 6-51. Vaccination of dogs and cats required.

Any owner or keeper of a dog or cat ~~three~~four months of age or older shall have the ~~dog or cat~~animal vaccinated against rabies in accordance with applicable New Mexico Department of Health Regulations.

Sec. 6-52. License procedure; certificate.

No License shall be issued for any dog unless a certificate from a licensed veterinarian is presented to the county by the keeper showing that such animal has been vaccinated for rabies.

Section 13. Sections 6-53 and 6-54 of the Code are amended to read as follows:

Sec. 6-53. Dogs and cats brought to the county.

Any dog or cat ~~three~~four months of age or older brought into the county shall be securely confined by its keeper until vaccinated against rabies, which vaccination shall be administered within one week after entry into the county unless the keeper has a certificate of vaccination issued by a veterinarian outside of the county, and such vaccination conforms to the requirements of this state.

Sec. 6-54. False and stolen documents.

It is unlawful for any person to transfer ~~any license or~~ rabies ~~tag~~tags from one animal to another or to make use of a stolen~~, counterfeit or forged license,~~ certificate or tag.

Section 14. Sections 6-81, 6-82 and 6-83 of the original Code restored:

Sec. 6-81. Required.

No person shall own, keep or harbor a dog three months of age or older unless such a dog is licensed. Such license shall be obtained from the county within one month following the date the dog becomes three months of age or is brought into the county.

Sec. 6-82. Duplicate copy of application constitutes; tags; issuance.

When a duplicate copy of each application issued, it shall constitute the required license and shall be retained by the applicant until the expiration date set forth therein. The license and the rabies certificate shall be made available for inspection by any person charged with the enforcement of this chapter. The county shall issue a serially numbered metal license tag with each license. Information regarding the ownership of the dog shall be provided by the county to any citizen on request.

Sec. 6-83. Information.

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

Section 15. Section 6-84 of the Code is amended to read as follows:

Sec. 6-84. Procedure; dogs and cats affixing tags.

The keeper shall cause the valid ~~metal license~~rabies tag to be affixed to the collar or harness of the dog or cat for which it was issued and to be worn there at all times when the ~~dog~~animal is off the keeper's premises in accordance with 7.4.2.8 NMAC unless such ~~dog~~animal is securely confined in a motor vehicle, or being kept at a kennel, veterinary hospital or training class. Animals participating in training, organized competitions or matches are not required to wear such tags during the time of the training or event. In all cases where the animal is not wearing the tag the keeper must have the tag or current valid rabies vaccination certificate in his or her possession at the time of the event.

Section 16. Sections 6-85, 6-86 and 6-87 of the Code are deleted in their entirety.

~~**Sec. 6-85. Duplicate issued.**~~
~~If a license or tag is lost, a duplicate may be obtained from the county upon paying a fee as prescribed in article III of this chapter.~~

~~**Sec. 6-86. Duration.**~~
~~A dog license may be issued for a period from the date of issuance until the rabies vaccination for which a certificate is provided is no longer valid.~~

~~**Sec. 6-87. Fees.**~~
~~Fees prescribed in article III of this chapter shall be paid to the county upon application for a dog license.~~

Section 17. Section 6-121 and 6-122 of the original Code restored.

Sec. 6-121. License fee.
A license fee shall be paid to the county upon application for a dog license, except that no license fee shall be charged for qualified service animals per NMSA 1978, § 28-11-4. The fee shall be established by administrative policy adopted by the administrator and shall not exceed $25.00. The fee may be adjusted no more often than once in any 12 month period. There shall be no proration of the dog license fee.

Sec. 6-122. Duplicate license fee.
The fee for providing a duplicate copy of a lost license or tag shall be $1.00.

Section 18. The Code is amended by adding to Chapter 6 a new section to be numbered 6-122, which section read as follows:

Sec. 6-122. Failure to display rabies tag.
The fine for not having a rabies tag properly affixed to the animal as described in Section 6-84 will result in a fine of $25.00.

Section 19. Sections 6-123, 6-124 and 6-125 of the Code are amended to read as follows:

Sec. 6-123. Redemption of impounded animals.
Redemption by the keeper of an impounded animal in accordance with section ~~6-9~~6-10 shall be subject to the following fees: pickup fee, ~~$8.00~~$10.00; boarding fee, ~~$4.00~~$5.00 for each calendar day, in whole or in part, of confinement.

Sec. 6-124. Redemption of impounded exotic animals.
Redemption by the keeper of an impounded exotic animal shall be subject to reimbursement by the keeper for actual costs incurred by the county for pickup and boarding.

Sec. 6-125. Adoption of impounded animals.
Animals may be adopted from the animal shelter as prescribed in this chapter upon payment of ~~a $5.00 adoption fee~~ $50.00 for animals sterilized by the shelter, $50.00 for intact animals with $25.00 refunded upon proof of sterilization, and $25.00 for animals sterilized prior to shelter acquisition.

Section 20. Section 6-126 of the Code is deleted in its entirety.

~~**Sec. 6-126. Permit fee for wild and exotic animals.**~~

~~A person presenting evidence of compliance with subsection 6-16(b) will be charged a permit fee of $5.00 annually for each species of wild or exotic animal.~~

Section 21. Effective Date. This Ordinance shall be effective thirty (30) days after publication of notice of its adoption.

ADOPTED this ____ day of _____, 2006.

COUNCIL OF THE INCORPORATED COUNTY OF LOS ALAMOS

_____

Michael G. Wheeler
Council Chair

ATTEST:

_____

Mary Pat Kraemer
Los Alamos County Clerk