

ANIMALS

Section 6-1.	Definitions.	Section 6-7.	Adoption of impounded animals.
Section 6-2.	Penalty for violation of chapter.	Section 6-8.	Animal bite Incidents.
Section 6-3.	Vaccination of dogs and cats Required.	Section 6-9.	Prohibited acts; animal nuisances.
Section 6-4.	Licensing and vaccination requirements for dogs and cats.	Section 6-10.	Dogs trained to assist.
Section 6-5.	License tags.	Section 6-11.	Cruelty to animals prohibited.
Section 6-6.	Impoundment.	Section 6-12.	Destruction of animals.
		Section 6-13.	Vertebrate pest control.
		Section 6-14.	Restraint of dogs.

CURRENTNESS: This Chapter revised 7-19-16.
Current through adoption of Ordinance No. 16-06 on 6-14-16.

State law reference: Municipal authority to regulate animals, NMSA 1978, § 3-18-3.

Section 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 member of the animal kingdom, excluding man. “Dog” and “cat” means either sex of the canine or feline species, respectively.

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

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

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

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

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

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

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

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

- (1) *Class reptilia*: Order phidia (such as racers, boas, watersnakes and pythons) and order loricata (such as alligators, caymans and crocodiles).
- (2) *Class aves*: Order falconiformes (such as hawks, eagles, and vultures) and subdivision ratitae (such as ostriches, rheas, cassowaries, and emus).

- (3) *Class mammalia*: Order carnivora; family felidae (such as ocelots, lions, tigers, jaguars, leopards and cougars), except commonly accepted domesticated cats; the family canidae (such as wolves, dingos, coyotes, jackals and hybrids produced by breeding these canids with domesticated dogs), except domesticated dogs; family mustelidae (such as weasels, martens, mink, badgers); family procynnidae (raccoon); family ursidae (such as bears); and order edentata (such as sloths, anteaters, armadillos); order proscidae (elephants); order primata (such as monkeys, chimpanzees, and gorillas); order rodenta (such as porcupines); and order ungulata (such as antelope, deer, bison and camels).

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

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

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

Owner of an animal means a person who owns, harbors, or keeps or knowingly causes or knowingly permits an animal in his care, or who has permitted a stray animal to remain on or about his premises, for at least 14 days. Persons who are attempting to find homes for stray animals need to notify the animal control officer and an extension period up to one month can be given.

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

Premises means a parcel of land and the structures thereon.

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

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

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

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

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

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

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

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

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

Section 6-2. Penalty for violation of chapter.

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

History: Ord. No. 249, § 14, adopted 11-24-92; Cross reference: Definitions generally, § 1-2; State law reference: Municipal authority to regulate animals, NMSA 1978, § 3-18-3.

Section 6-3. Vaccination of dogs and cats required.

Dogs and cats over the age of three months shall be vaccinated against rabies. The animal shall receive a booster within the 12-month interval following the initial vaccination. Every domestic dog and cat shall be revaccinated against rabies within 12 months if a 1-year vaccine is administered or within 36 months if a 3-year vaccine is administered with a rabies vaccine licensed by the United States Department of Agriculture and administered according to label recommendations. The *Compendium of Animal Rabies Control (CARC)*, published by the National Association of Public Health Veterinarians, Inc. shall be the reference for the route of inoculation and the type of vaccine. All antirabies vaccine shall be administered by a licensed veterinarian. The veterinarian who administers the antirabies vaccine shall furnish the owner with a tag which shall be affixed by the owner to the collar or harness of the animal and shall be worn at all times.

History: Ord. No. 249, § 3, adopted 11-24-92; Ord. No. 363, adopted 7-8-03; State law reference: Municipal authority to require vaccination of dogs and cats, NMSA 1978, § 77-1-3.

Section 6-4. Licensing and vaccination requirements for dogs and cats.

(a) *Vaccination, license required.* No person shall own, possess or keep any dog or cat within the Village unless such animal is vaccinated and licensed with a Village pet license.

(b) *Certificate of vaccination.* All owners or persons applying for a Village animal license shall present a current antirabies vaccination certificate. No license or tag shall be issued without compliance with Section 6-3.

(c) *Issuing agency; register.* The control of issuing Village animal licenses and tags shall be the responsibility of the Village Clerk or the Clerk's designated representative, who shall maintain a register containing the following information:

- (1) Date and number of each license and tag issued;
- (2) Name and address of owner; and
- (3) Type and date of antirabies vaccinations.

(d) *Animal control officers; reports.* The Village Clerk may delegate authority and responsibility to the designated animal control officer to assist in the issuance of licenses and tags. The clerk shall assign licenses and receipt books to the animal control officer and require monthly reports reflecting information pertaining to licenses and tags sold and an accounting for any fees collected.

(e) *Issuance of license and tag.* The Village Clerk or animal control officer, upon receiving proof of

antirabies vaccination, shall issue to the owner a license and serially numbered tag.

- (1) Owners will be allowed a ten-day grace period to license their animals with the Village from the date of renewal of the rabies vaccination.
- (2) The license shall contain the information required in Subsection (c)(1) of this section. Licenses and tags may be issued for a period of up to three (3) years, but shall in any event expire no later than the expiration date of the current rabies vaccination.

(f) *Fees.* The fees for scheduled licenses and tags under this chapter shall be as determined from time to time by resolution of the Governing Body.

(g) *Transfer of license or tag prohibited.* No person shall use any vaccination certificate or issued license or tag for a different dog, cat or animal than the animal for which the certificate or license was issued.

(h) *Transfer of ownership.* If there is a change in owner of a licensed dog or cat, the new owner may have the current license or tag transferred upon payment of a transfer fee of \$1.00.

(i) *Guide dogs, hearing aid dogs exempt from fees.* Any guide dog trained to lead a blind person, and any hearing aid dog trained to aid a deaf person, or any dog trained to aid a handicap person, shall be exempt from the licensing fees of this section, but must otherwise comply with all requirements of this chapter.

(j) *Site guard dogs and patrol dogs.* Site guard dogs or patrol dogs shall be required to meet vaccination and licensing standards of this section. Additionally, privately owned site guard dogs or patrol dogs shall be identified to and registered with the chief of police or his designee, who shall ensure that the animal's training and certificate meet the professional standards. Under no circumstances will a dog, whether privately, commercially or municipally owned, be allowed to be utilized as a site guard dog or as an attended patrol dog within the Village unless registered with the chief of police.

(k) *Hobby breeder and exotic animal permits.*

(1) *Application.* An application for a hobby breeder permit and an exotic animal permit shall be filed on forms provided by the Village, which shall require such information as to assure the Village that the applicant has the proper knowledge and facilities to care for the animals in a manner that protects the public and the animals.

(2) *Permit requirements.* The following permit requirements shall apply for hobby breeders and exotic animal permits:

- a. All permits are not transferable from one person or place to another person or place.
- b. A valid permit shall be posted in a conspicuous place at every permitted premises.
- c. A permit holder shall notify the animal control officer in writing of any changes in his operations which may affect the status of the permit and shall keep the animal control officer apprised of any change of the activities covered by the permit.
- d. There shall be kept at each permitted premises a record of all animals owned, purchased or received, and a record of their final disposition. Owners of dogs and cats shall have records of all required vaccinations for every animal they own.
- e. Holders of a hobby breeder permit will be exempted from having individual pet licenses for

their dogs or cats as required in Section 6-4(a).

- f. Hobby breeder permits shall expire on December 31 of each year. Renewal of permits shall be filed 30 days before the date of expiration. Failure to renew permits as specified shall result in the assessment of a penalty fee of \$10.00 in addition to the cost of the permit.
- g. Along with all the facilities and care standard requirements for permitted premises in this chapter, exotic animals shall also be kept and cared for so that they do not endanger the safety of any persons or property. Owners and keepers of exotic animals shall comply with all federal and state laws, regulations and statutes regarding exotic animals.
- h. The holder of an exotic animal permit must notify the animal control department when changing his residence or the location of the animal, or selling or otherwise disposing of the animal for which the permit was issued.
- i. Impoundment. The animal control officers may impound any exotic animal for failure to comply with this chapter by using a procedure which is most likely to protect the public in the case of a dangerous exotic animal.
- j. Exclusion. Notwithstanding the above provisions of this subsection, veterinary hospitals, humane society shelters, educational or scientific facilities are excluded from the provisions of this Subsection 6-4(k); provided, that protective devices adequate to prevent such animals from escaping or injuring the public are provided.

History: Ord. No. 249, § 4, adopted 11-24-92; Ord. No. 16-06, adopted 6-14-16.

Section 6-5. License tags.

(a) The animal license tag issued to the owner under this chapter shall be a metallic or plastic tag bearing the license number and year during which it is issued. The shape or color of the tag may be changed from year to year.

(b) The owner shall ensure that his dog wears the issued license tag attached to a collar or harness at all times, except show dogs.

(c) Cats are required by this chapter to be licensed and vaccinated, but do not have to wear the tags. Such tags must, however, be available on the owner's premises.

(d) If a license tag issued under this chapter is lost or destroyed, the owner may obtain a duplicate tag upon presentation of the license and the payment of a replacement fee of \$1.00.

(e) Site guard dogs will display or wear the license tag affixed to a minimum one-inch wide, heavy duty collar, which will be fluorescent red or orange in color, to render the animal identifiable if the animal is unattended or away from protected premises.

(f) Patrol dogs shall not be required to display or wear the license tag affixed to a collar. However, the owner or handler shall ensure that the applicable tags are readily available for verification of vaccination or license status.

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

Section 6-6. Impoundment.

(a) It shall be the duty of the designated animal control officer to capture and confine all animals stray or running at large within the Village. Such animals, unless claimed by their owner or adopted as provided in this section, shall be confined, housed and fed for a minimum of three days for unlicensed

animals, or five days for licensed animals. During the confinement period, the animal control officer shall make reasonable efforts to contact the animal's owner and advise of the animal's confinement.

(b) The adoption fee to adopt an animal shall be whatever the current contract price is for one run in the kennel times the number of days the animal has been impounded plus the cost of one dose of vaccine for disease control. Dogs are vaccinated for DHPP (distemper, hepatitis, parainfluenza parvo) and leptospirosis. Cats are vaccinated for feline rhinotracheitis, calicivirus, panleukopenia and chlamydia psittaci (respiratory complex).

(c) If the impounded animal's owner is identified and contacted, the animal will be released to the owner upon the payment of an impoundment fee of \$25.00 for the first impoundment during a 12-month period, \$35.00 for the second impoundment within the same 12-month period, and \$60.00 for each subsequent impoundment within the same 12-month period. In addition, the animal's owner shall pay a confinement fee of the current contract price, for each day that the animal was confined.

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

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

History: Ord. No. 249, § 6, adopted 11-24-92; Ord. No. 11-011, adopted 5-24-11.

Section 6-7. Adoption of impounded animals.

Any impounded animal not claimed by the owner or the owner's representative within the minimum confinement period designated in this chapter may be adopted by another person upon payment of the required fees, and signing a contract to spay or neuter the animal within 30 days or when the animal reaches six months of age.

History: Ord. No. 249, § 11, adopted 11-24-92.

Section 6-8. Animal bite incidents.

(a) If a person is bitten by an animal, the animal control officer, the district health officer or the Village police department should be notified by the person bitten, the person's parent or guardian or the owner of the animal. The bitten person may seek medical assistance.

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

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

(c) Any licensed physician who renders medical assistance to a person bitten by an animal shall report the incident to the district health officer or animal control officer as soon as possible, but not later than 24 hours after rendering treatment. Physicians or other medical personnel shall report the name, gender, and address of the person bitten as well as the type and physical location of the bite or any other pertinent information available.

History: Ord. No. 249, § 7, adopted 11-24-92.

Section 6-9. Prohibited acts; animal nuisances.

(a) It shall be unlawful for any person owning, harboring or having the custody or possession of any animal to cause or allow such animal to:

- (1) Be stray or run at large within the Village limits;
- (2) Enter into a public building unless such animal is a guide dog for a blind, deaf or wheelchair-bound person or a patrol dog on official business;
- (3) Be beyond the boundaries of the premises of the animal's owner or keeper unless the animal is under the physical and immediate control of the animal's owner or keeper and is on a secure leash no more than eight feet in length;
- (4) Be left unattended in any motor vehicle, truck bed or trailer unless such animal is confined and provided that no portion of the animal's head protrudes beyond the outer boundaries of the motor vehicle, truck bed or trailer.

(b) It shall be the owner's responsibility to maintain all animal pens, corrals and property in a sanitary manner so as to prevent noxious or offensive odors that otherwise endanger the health and welfare of the inhabitants of the Village. Livestock or fowl excrement shall be properly disposed of and shall not be allowed to accumulate in amounts that cause unreasonable noxious odors.

(c) It shall be unlawful for any owner or keeper of an animal to allow his animal to make excessive noise and thereby disturb the peace of others. Any person whose rest and peace has been disturbed by the excessive noise of any animal shall have the right to file a complaint against the owner or keeper of such animal.

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

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

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

(g) It shall be unlawful for any owner or person charged with the custody or control of a registered

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

(h) Any female dog or cat in the state of estrus (heat) shall be confined to a building or other secure enclosure so that contact with a male dog and cat of the same species will be prevented except for intentional breeding purposes. Owners or keepers of dogs or cats who do not comply with this section may be required to place such dog or cat in a boarding kennel or veterinary hospital at the owner's or keeper's expense.

History: Ord. No. 249, § 8, adopted 11-24-92.

Section 6-10. Dogs trained to assist.

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

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

History: Ord. No. 249, § 9, adopted 11-24-92.

Section 6-11. Cruelty to animals prohibited.

(a) It is unlawful for any person to willfully or maliciously kill, maim, disfigure, beat with a stick, chain, club, or other object, mutilate, burn or scald with any substance, drive over or to otherwise cruelly treat or set upon any animal except that reasonable force may be employed to thwart any vicious animal. Exception: This subsection does not prohibit the capture and humane destruction of a vertebrate pest which is causing damage or nuisance problems to a residence or property, as further provided in Section 6-13.

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

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

(d) It is unlawful for any person by any means to make accessible to any animal, with the intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substances. This does not prohibit the licensed use of an E.P.A. registered pesticide in accordance with special use restrictions for control of vertebrate pests.

(e) Whenever the animal control officer finds any animal that is or will be without proper care because of injury, illness, incarceration or other absence of the owner or person responsible for the care of

such animal, such officer may take such animal into protective care, and in the event of illness or injury, upon the advice of a licensed veterinarian, the animal control officer may take such action necessary to prevent undue pain and suffering, including immediate destruction of the animal. The owners of such animals taken into protective custody shall be responsible for whatever expense the Village incurs for maintaining such animals until a decision is made by a court of law regarding the disposition of the animals.

(f) Duty of operator to report accidents. Operators of motor vehicles shall immediately upon injuring, striking, maiming or running down any animal within the Village notify the animal control officer or the Village police department, furnishing sufficient facts relative to such incident.

(g) It is unlawful for any person to promote, stage, hold, manage, conduct, carry on or attend any game, exhibit, contest or fight in which one or more animals are engaged for the purpose of injuring, killing, maiming or destroying themselves or any other animal.

History: Ord. No. 249, § 10, adopted 11-24-92.

Section 6-12. Destruction of animals.

(a) It is the policy of the Village to avoid the killing of animals recovered, impounded or confined by the Village, whether such killing is by euthanasia or otherwise, except only as specifically otherwise provided in this section. Village administration and staff, in cooperation with animal shelters and humane organizations having policies consistent with the Village's "no-kill" policy, shall encourage and promote the fostering and/or adoption of all animals recovered, impounded or confined by the Village.

(b) An animal at large or impounded by the Village may be destroyed by an officer of the Village or by a licensed veterinarian contracted by the Village only if (1) the animal constitutes a clear and immediate threat to public health and safety; or (2) to eliminate untreatable suffering of the animal. Such killing shall be by euthanasia unless emergency circumstances render euthanasia impossible.

(c) Nothing in this Chapter shall be construed to prohibit the raising and the humane slaughter of livestock for food, nor to prohibit the conduct of agricultural operations in accordance with the Right to Farm Act (Sections 47-9-1 through 47-9-7, NMSA 1978).

History: Ord. No. 249, § 12, adopted 11-24-92; Ord. No. 11-011, adopted 5-24-11.

Section 6-13. Vertebrate pest control.

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

(1) *Pest control methods requiring authorization.* Landowners and other agency personnel will be required to receive prior authorization from the animal control department for the following methods of vertebrate pest control:

- a. Beaver live trap. Trap is to be checked every 12 hours and all animals trapped will be removed.

- b. Shooting.
 - c. Chemical immobilization.
 - d. Scaring devices.
 - e. Quick-kill traps. Quick-kill traps (i.e., Conibear or other similar traps) size no.220 or larger may be used only for water sets. Such trap must be checked every 24 hours and all animals trapped will be removed. The entire trap must be below water level.
 - f. Leg-hold traps.
 - 1. Leg-hold traps shall only be used as a last resort and only with the written approval of the chief of police.
 - 2. Leg-hold traps, size no. 3 or smaller, pan-tension, with offset jaws or jaws modified (for example, by wrapped wire or drop of metal) so they do not close together around the leg.
 - 3. No leg set shall be made within 100 yards of any occupied dwelling without written notification to the dwelling's occupant. Traps are to be checked every 12 hours. All animals trapped will be removed by the animal control officers.
- (2) *Pest control methods not requiring authorization.* The following methods of vertebrate pest control will not require authorization from the animal control department, but may only be performed by private citizens within the confines of their own property:
- a. Quick-kill traps (i.e., Conibear or similar traps) size no. 110 or smaller may be used on land or water sets.
 - b. Quick-kill traps for the control of gopher, mole, rat and mouse species.
 - c. Live traps (except beaver):
 - 1. All domestic cats or dogs will be turned over to a Village animal control officer. Animal control officers may assist residents in removing animals from traps. Only Village animal control officers or the resident where the live trap is placed may remove any animals caught in the trap.
 - 2. Traps are to be checked every 24 hours.
 - 3. Issued live traps. The animal control officer can be contacted for issuance of live traps for a resident's temporary use. It is not a violation of this section or any other section of this chapter for a resident to own traps as long as they meet the requirements specified in this section.
 - d. Pesticides. Pesticide use will be allowed as long as it is an E.P.A. registered pesticide and is used in accordance with special use restrictions for the control of vertebrate pests.

History: Ord. No. 249, § 13, adopted 11-24-92.

Section 6-14. Restraint of dogs.

(a) Except as provided in Subsection (b) of this Section 6-14, a person may not restrain a dog with a stationary tether. As used in this section, a stationary tether is one used to restrain a dog by tying the dog to any object or structure including without limitation a house, tree, fence, post, garage or shed, by any

means including without limitation a rope, cord, leash or running line.

(b) The prohibition in Subsection (a) of this Section 6-14 does not apply to temporary restraint during a lawful animal event, veterinary treatment, grooming, training or law enforcement activity provided the dog's owner or handler remains with the dog throughout the period of temporary restraint. Nor does this prohibition apply to dogs restrained within personal vehicles, within personal residences or in areas immediately adjacent to residences when an owner or handler has the dog continuously in sight. A person may temporarily tether a dog no longer than is necessary to the person to complete a temporary task.

(c) Use of a metal chain of any size or length as a stationary or temporary tether or restraint for a dog is prohibited under all circumstances.

(d) Violation of this Section 6-14 shall be considered cruel treatment of an animal consistent with Section 6-11 of this chapter. A person violating any provision of this Section 6-14 shall, upon conviction, be penalized in accordance with Section 6-2 of this chapter.

History: Ord. No. 13-009, adopted 6-18-13.

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