

TOWN OF MOUNTAINAIR
ORDINANCE XX-2020
CANINE BREEDER ORDINANCE

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MOUNTAINAIR, NEW MEXICO:

DEFINITIONS:

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

Adequate food means access to and the provision of food that is appropriate to the species and of sufficient quantity and nutritive value to maintain each animal in good health; is easily accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a licensed veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

Adequate living area means adequate space for exercise suitable to the age, size, species and breed of animal and includes adequate shelter and shade independent of shelter. 5

Adequate shelter means provision of and access to shelter that is suitable for species, age, condition, size and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species. (1) Shelter for companion animals shall consist of one of the following: a. Inside the residence of the animal's owner. b. A shelter that is an enclosed structure of appropriate dimensions for the breed and size of the animal, consisting of four sides, a roof, an entryway, a floor, and suitable insulation protecting the animal from the elements. 1. The shelter shall be structurally sound and of solid construction with no cracks, open seams or holes and the entire structure shall be leak-proof. 2. The shelter shall be maintained in good repair to protect the animals from injury. 3. The shelter shall be free of standing water or mud, unless such standing water or mud is appropriate to maintaining good health, and free of accumulated waste and debris. 4. The shelter shall contain suitable bedding as appropriate to species and/or insulation suitable for the breed when the outdoor temperature is below 45 degrees unless the shelter is heated. 5. The shelter shall have adequate ventilation. 6. The shelter shall be sufficient in size to allow each animal to stand up, turn around, lie down and stretch comfortably. 7. The areas beneath a car, truck, mobile home or machinery do not qualify as shelter.

Adequate water means constant access to a supply of unfrozen, potable water, provided in a sanitary manner suitable for species, in sufficient amounts to maintain good health. Such water will be provided in a manner that prevents the container from being overturned.

Backyard breeder is an amateur animal breeder who breeds for fun, for the health of the animal or to make money. Backyard breeders do not imply someone who is dedicated to producing quality dogs as a serious avocation.

Breeder means a person who keeps, maintains or harbors any intact dog or cat for the purposes of breeding.

Breeding means permitting, either intentionally or unintentionally, a female dog or cat to produce offspring.

Commercial breeder means someone who owns a commercial establishment specifically for the purpose of breeding female cats or dogs to produce offspring and sell for profit.

Hobby breeder means a person who breeds dogs or cats, generally to preserve the purity of a specific breed.

Intact permit means an annual permit for a dog or cat over the age of six months that has not been neutered or spayed.

Kennel area is a secure space within which an animal is housed that is of sufficient height and strength to contain the animal within and provide sufficient room for the animal to comfortably move around within the structure.

Multiple animal site means any property where the number of dogs or cats owned, harbored or kept exceeds the number of animals allowed in Mountainair's animal ordinance.

Professional animal site means any commercial kennel, kennel, grooming parlor, or pet shops, with the exception of sites solely dedicated to livestock, state inspected veterinary hospitals and federally inspected laboratory facilities and zoos.

Sterilized means to be rendered permanently incapable of reproduction.

Vaccination means protection provided against rabies by inoculation with a vaccine as required by NMSA 1978, § 77-1-3 (1993 Repl.).

PERMITS REQUIRED

General provisions.

(a) Valid permits are required to operate a multiple animal site, professional animal site or shelter site, breed dogs or cats, have a litter of dogs and cats, possess a guard dog or possess an intact dog or cat that has been impounded as a stray. A person may obtain a permit under the following conditions:

(1) Submission of an application which shall include sufficient information to identify the name and address of the permit holder and owner for the property or site and payment of an annual permit fee at Mountainair Town Hall. Failure to renew the permit within 30 days of the expiration date may result in the assessment of a penalty fee in addition to the cost of the permit.

(2) Multiple animal site, professional animal site and shelter site permits require a demonstration of a certification of zoning and land use from the Mountainair Planning and Zoning Department.

(3) Upon presenting proper identification and with notice, an animal care services officer shall be allowed access to any multiple animal site, professional animal site or shelter site for the purpose of inspection. Permits may be suspended for failure to comply with the requirements of this chapter, as well as for violation of other applicable laws, regulations, and ordinances.

(4) Permits must be posted in a conspicuous place on the permitted premises and are nontransferable.

(5) All permit holders engaging in any commercial activity involving the sale of animals shall comply with the Town of Mountainair Business License Ordinance.

Site permit requirements. Multiple animal sites, shelter sites, professional animal sites are required to meet all other provisions of the Town of Mountainair Animal Ordinances and the following standards:

(a) Food and unused bedding shall be stored in a location which protects it against excessive moisture, infestation and contamination. Perishable food shall be refrigerated.

(b) The kennel area shall be kept clean and sanitary in a way that protects animals from disease and injury. Animals shall be protected from cleaning agents during cleaning. Provisions shall be made to remove animal and food waste and clean or remove soiled bedding at minimum daily and as often as necessary to maintain the conditions in accordance with this chapter. Disposal shall be made so as to minimize vermin infestation, odors and the spread of disease.

(c) Kennel area buildings and fences shall be structurally sound and kept in good repair to keep animals clean and dry, protect them from injury, **contain them** and keep predators out. Walls and floors shall be constructed of material impervious to moisture and easily sanitized. Adequate drainage shall be maintained and, when required, drains shall be constructed and operated in accordance with state and county regulations and kept in good repair.

(d) Fresh air in kennel area buildings shall be provided by windows, doors, vents or air conditioning. Ventilation shall minimize drafts, odors and moisture condensation.

(e) Each animal shall be kept in compatible groups and have adequate space to prevent overcrowding. Kennel areas holding cats must contain an adequate number of litter boxes.

- (f) All animals housed in the kennel area shall be provided with adequate food, adequate water and an adequate living area.
- (g) Unsterilized female animals shall be segregated when in estrous except for breeding purposes.
- (h) Each animal shall be observed daily by the person named on the permit or his/her designee. Any animal in need of veterinary attention, either due to illness, injury or disease, shall be provided such attention immediately. Ill and injured animals shall be segregated from other animals based on veterinary recommendations to prevent disease spread or further injury.
- (i) Insects, parasites and rodents shall be controlled.
- (j) A valid rabies certificate signed by a licensed veterinarian shall be present for each dog and cat housed at the kennel facility.
- (k) Records of animal inventory, including acquisitions and dispositions, inoculations, and disease control and prevention programs shall be maintained and available for inspection by an animal care services officer.

Breeder permit.

- (a) No persons, including hobby breeders and backyard breeders shall keep, maintain or harbor any intact dog or cat for the purposes of breeding without a breeder permit. Each dog or cat used for the purposes of breeding shall have a breeder permit. The resultant offspring shall not be sold for resale to commercial outlets or for the purpose of research.
- (b) A female dog or cat shall have no more than one litter in any consecutive 12-month period.
- (c) Upon presenting identification, an animal care services officer shall be allowed access to any premises housing any animal with a breeder permit for the purpose of an inspection.
- (d) Upon the second impounding of an intact animal, the owner will be required to either purchase a breeder permit or have the animal sterilized within 30 days.
- (e) If the owner already has a breeder permit, the permit will no longer be valid upon the second impounding of the animal; the animal will then need to be sterilized within 30 days.

Litter permit.

- (a) The owner of an intact female dog or cat bred intentionally or unintentionally that does not possess a breeder permit is required to obtain a litter permit for each litter.

(b) Subsequent to the issuance of a litter permit, the permitted animal shall be sterilized within 90 days of the issuance of the litter permit.

Requirements for sale of offspring.

- (a) No person shall advertise, barter for, sell, or give away any puppy or kitten unless the applicable permit number is displayed legibly in all advertisements. The owner shall furnish the litter permit number or breeder permit number to any potential recipient upon request.
- (b) Puppies and kittens can only be bartered for, sold, given away or otherwise transferred or conveyed from the residential location listed on the litter permit or breeder permit. Puppies or kittens being bartered for, sold, given away or otherwise transferred or conveyed on public or commercial property, even with the commercial property owner's permission, are in violation of this chapter.
- (c) No offspring may be sold, adopted, bartered or otherwise transferred whether for compensation or otherwise until it has reached the age of at least eight weeks.
- (d) No offspring may be sold or adopted until immunized against common disease. The sale or adoption of a dog or cat shall include a statement signed by the seller or adopter attesting to the knowledge of the animal's health and immunization history.

Intact animal permit.

- (a) Any person having a stray unsterilized dog or cat returned to him or reclaiming an impounded unsterilized dog or cat will obtain an intact animal permit or have the animal sterilized within 60 days of return. The permit shall be issued upon payment of the required permit fee and proof that they possess a current county license and rabies vaccination for the animal. The permit will be renewed annually until proof of sterilization has been provided to the animal care services department.
- (b) Any animal found running at large twice shall be sterilized within 30 days of the second offense.
- (c) An intact animal permit is required to keep a dog or cat exempt from being sterilized as mandated by applicable law when released prior to impound from an animal shelter.
- (d) Owners of animals that are too old or in poor health to withstand sterilization will still need to obtain intact permits. These permits will not require annual renewal.
- (e) If an animal in these circumstances are impounded twice and the owner has an intact permit due to medical reasons, the owner will pay a fine of \$200.

Foster/Rescue Permit.

- (a) Premises where eleven or more dogs or cats are kept or boarded for the purpose of non-commercial fostering, rescuing, adoption or boarding shall be issued through the Mountainair Planning and Zoning Committee. This permit is subject to periodic inspections by Animal Control.

Commercial Kennel Permit

- (a) Premises where eleven or more animals are housed, kept or maintained or where grooming, breeding, boarding, training, or selling dogs or cats as a business will need a permit, issued by the Mountainair Planning and Zoning Committee.
- (b) A business license is also required to operate a Commercial Kennel.
- (c) The premises are subject to periodic inspections by animal control.

Permits	Annual Fee
Professional Animal Site Permit	\$150
Multiple Animal Site Permit	\$150
Breeder Permit	\$150
Litter Permit	\$75
Intact Animal Permit	\$75

PASSED, ADOPTED, AND APPROVED THIS ____ DAY OF _____, 20__.

Peter Nieto, Mayor

ATTEST:

Dennis Fulfer, Town Clerk