

CITY OF RUIDOSO

ARTICLE 9: ANIMAL CONTROL

(State Law: N.M.S.A. §§ 3-18-3, 77-1-12, and 77-1-13 et seq., 1978 Comp.)

VILLAGE OF RUIDOSO ORDINANCE 92-12

AN ORDINANCE RELATING TO ANIMAL CONTROL; ADDING AND AMENDING CERTAIN SECTIONS OF CHAPTER 6, ARTICLE 9, OF THE RUIDOSO MUNICIPAL CODE.

PREAMBLE

- A. The Governing Body of the Village of Ruidoso finds and determines that an unacceptable number of healthy but abandoned dogs and cats are put to death by the Humane Society of Lincoln County.
- B. The large numbers of stray dogs and cats pose threats to the public health and safety (including disease transmission, attacks, and traffic hazards), but the Governing Body further finds and determines that euthanasia is not a cost effective, acceptable or ethical solution to this threat.
- C. A permit system for the breeding of cats and dogs, combined with a program for spaying and neutering, is a reasonable and effective means of reducing the population of abandoned or stray cats and dogs and eliminating the practice of euthanizing healthy cats and dogs.

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF RUIDOSO:

6-9-1 DEFINITIONS:

- A. "ANIMAL" - means any vertebrate member of the animal kingdom, excluding man, which has been tamed, conditioned or maintained as a pet or chattel to man. "Dog" and "Cat" is defined as either sex of the canine or feline species, respectively.
- B. "VILLAGE OF RUIDOSO" - means that land area within the legal boundaries of the Village of Ruidoso, Lincoln County, New Mexico.
- C. "ANIMAL CONTROL OFFICER" - means a designated, commissioned employee or a commissioned contract employee of the Village of Ruidoso with the authority to issue citations or otherwise enforce the provisions of this Ordinance.
- D. "BITE OR BITTEN" - means an actual puncture or tear of the skin inflicted by the teeth of an animal.
- E. "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 animal's owner or keeper and is on a secure leash

no more than six (6) feet in length.

- F. "ESTABLISHMENT" - means a place of business, together with its grounds and equipment.
- G. "PREMISES" - are defined as a parcel of land and the structures thereon.
- H. "OWNER" includes any person who owns an animal, or who harbors, keeps or provides care and sustenance of an animal or who knowingly permits the harboring, keeping or care of an animal on his or her premises, for a person of thirty (30) day or more.
- I. "PERSON" - means any individual, household, firm, partnership, corporation, society, association and every officer or employee thereof.
- J. "NUISANCE" - means, but is not limited to, defecation, urination, disturbing the peace, emitting noxious or offensive odors or otherwise endangering or offending the well-being of the inhabitants of the Village of Ruidoso.
- K. "LICENSED VETERINARIAN" - is a person with a Doctor of Veterinary Medicine degree licensed to practice in the State of New Mexico.
- L. "VACCINATION" - is the protection against rabies by inoculation with anti-rabies vaccine, recognized and approved by the U.S. Department of Agriculture, given in an amount sufficient to provide immunity from rabies for a minimum of one (1) year.
- M. "VICIOUS ANIMAL" - means any animal which on one or more prior occasions has bitten or in any other manner has attacked or attempted to attack any person or animal; except that a bite, attack or attempted attack in the following circumstances shall not render an animal vicious:
 - 1. the person or animal attacked is unlawfully upon the premises of the animal's owner or keeper;
 - 2. when the person or animal attacked provokes the attack; or
 - 3. the attack is in defense of a person. (Ord. 92-2)
- N. "ANIMAL CONTROL SHELTER" - means any pound, lot, premises or building maintained by the Village of Ruidoso or its contractors for the care, custody and disposal of animals.
- O. "QUARANTINE" - is to detain or isolate an animal suspected of contagion.
- P. "SITE GUARD DOG" - is an unattended dog trained to guard a premise and/or vehicle against trespass by unauthorized persons, and based upon its training, is unwilling to leave the protected premise or vehicle without the presence of its handler or owner.
- Q. "PATROL DOG" - is 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 han-

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. (Ord. 82-25)

- R. "SECURE ENCLOSURE" - means an enclosure from which an animal cannot escape and other animals cannot enter. It must be covered by material sufficiently strong to prevent entry or exit by animals, and must have a concrete or other equally strong footing to prevent an animal from digging its way in or out. (Ord. 92-2)
- S. "NEUTERED" - refers to any animal which has been spayed, castrated, or otherwise surgically altered so that it is incapable of reproduction.

6-9-2 VACCINATION:

- A. Any person who is the owner of a dog or cat, of either sex of the canine or feline family over the age of three (3) months, within the Village of Ruidoso, shall have the animal vaccinated against rabies annually. All anti-rabies vaccine shall be administered by or under the supervision of a licensed veterinarian. The veterinarian who administers the anti-rabies vaccine shall furnish the owner with a tag which shall be affixed by the owner to the collar or harness of the animal and it shall be worn at all times. (Ord. 82-25)

6-9-3 LICENSING:

- A. No person shall own, possess or keep any dog or cat within the Village of Ruidoso unless such animal is vaccinated and licensed as herein provided, or has a current vaccination and is validly licensed by another municipality or political subdivision of the State of New Mexico or sister state.
- B. All owners or persons applying for a Village animal license shall present a current anti-rabies vaccination certificate as described in Section 6-9-2. No license or tag shall be issued without compliance to 6-9-2.
- C. The control of issuing Village animal licenses and tags shall be the responsibility of the Village Clerk, or a designated agent under contract to the Village, who shall maintain a register containing the following information:
 - 1. Date and number of each license and tag issued; name and address of the owner; type and date of anti-rabies vaccination.
- D. The Village Clerk may delegate authority and responsibility to the designated Animal Control Officer or a designated agent under contract to the Village, to assist in the issuance of license and tags; in which event, he shall assign licenses, tags and receipt books to the Animal Control Officer and require monthly reports reflecting the register information pertaining to licenses and tags sold and an accounting for any fees collected.
- E. The Village Clerk or Animal Control Officer or a designated agent under contract to the Village, upon

receiving proof of anti-rabies vaccination, shall issue to the owner a license and serially numbered tag. The License shall contain the information required in 6-9-3 (C-1) above. All licenses and tags shall be issued for a period of one year from the date of issuance.

- F. The annual fee for scheduled licenses and tags be set by a designated agent under contract to the village, but in less than as follows.

Dogs (Unneutered)	\$25.00
Cats (Unneutered)	\$15.00
Dogs (Neutered)	\$5.00
Cats (Neutered)	\$ 2.50

The designated agent under contract to the Village for animal shelter services may set the annual fee at amounts greater than the minimum, if the fee is approved by the Village of Ruidoso Governing Body.

- G. Senior citizens shall be levied annual license and tag fees of \$2.00 for a dog or cat. To qualify as a senior citizen, the person must present proof of age to be 62 years of age or older.
- H. No person shall use any vaccination certificate or issued license or tag for a different dog, cat or animal.
- I. 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 only One Dollar (\$1.00).
- J. Any guide dog, trained to lead a blind person and any hearing aid dog, trained to aid a deaf person, shall be exempt from the licensing fees of this section.
- K. Site guard dogs or patrol dogs shall not be exempt from the vaccination and licensing requirements 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 insure that the animal's training and certification meets 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 of Ruidoso unless registered with the Chief of Police. (See License Tag Requirement, Section 6-9-4.)
- L. A veterinarian may issue the license and tag as described in Sections 6-9-2 and 6-9-3. The veterinarian issuing the license and tag shall be paid a Two Dollar (\$2.00) service fee, with the remainder of the license and tag fee, as reflected in Section 6-9-3 (F) above, to be remitted to Village Clerk or a designated agent under contract to the Village.(Ord. 92-2)
- M. All surcharges in license fees and fines imposed for unneutered animals, as provided in this section, which are collected by the designated agent under contract to the Village shall be placed by the contractor into a separate fund. This fund shall be used solely to offset the costs of neutering of animals which are housed at, and adopted from, the animal shelter, and the costs of neutering animals captured by the Animal Control Officer whose owners do not have the means to have the ani-

mals spayed or neutered.

6-9-4 LICENSE TAGS:

- A. The tag issued to the owner 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 insure that the dog or cat wears the issued license tag attached to a collar or harness at all times.
- C. If an issued license tag is lost or destroyed, the owner may obtain a duplicate tag upon presentation of the license and the payment of a One Dollar (\$1.00) replacement fee.
- D. Site guard dogs will display or wear the license tag affixed to a minimum two inch wide, heavy duty collar, which will be a fluorescent red or orange in color, to render the animal identifiable in the event the animal is unattended or away from a protected premises.

6-9-5 ANIMAL IMPOUNDING:

- A. It shall be the duty of the designated Animal Control Officer to capture and confine all animals estray or running at large within the village of Ruidoso. Such animals, unless claimed by their owner or adopted as provided herein, shall be confined, housed and fed for a minimum of three (3) days for unlicensed animals, five (5) days for licensed animals. During the confinement period, the Animal Control Officer or contractor for the confinement of animals, whichever has custody of an animal, shall make reasonable efforts to contact the animal's owner and advise of the animal's confinement. (Ord. 92-2)
- B. If the animal's owner is identified and contacted, the animal will be released to the owner upon the payment of an impoundment fee set by the designated agent under contract by the Village and subject to approval by the Governing Body of the Village of Ruidoso. In addition, the animal's owner shall pay a confinement fee to be set by a designated agent under contract with the Village and subject to approval by the Governing Body of the Village of Ruidoso to reflect its actual cost of confinement for each day that the animal was confined. Additionally, if the animal is not currently and validly vaccinated, licensed, or both, the owner shall pay the required fees prior to the release of the animal. (Ord. 92-2)
- C. At the end of the minimum confinement period the animal may be destroyed or adopted. Any animal may be kept for adoption beyond the minimum confinement period at the discretion of the Animal Control Officer or the designated agent under contract to the Village.
- D. Any person finding an unattended animal off the premises of the animal's owner may have the animal removed, to any private or public animal shelter, or may notify the Animal Control Officer or the Ruidoso Police Department. If the animal's owner cannot be

immediately located, the animal shall be confined and disposed of pursuant to Subsections A, B, and C of this section. (Ord. 92-2)

6-9-6 ANIMAL BITE INCIDENTS:

- A. If a person is bitten by an animal, the person, the person's parent or guardian, or the owner of the animal, shall immediately report the bite incident to the Animal Control Officer, or the Ruidoso Police Department and the bitten person shall seek medical assistance. (Ord. 92-2)
- B. The owner of any unvaccinated animal that has bitten any person shall immediately, at the owner's expense, confine the involved animal for a period of ten (10) days at a place designated by the Animal Control Officer. (Ord. 92 -2)
- C. Any licensed physician who renders medical assistance to a person bitten by an animal shall report the incident to the 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, sex and address of the person bitten as well as the type and physical location of the bite or any other pertinent information available. (Ord. 82-25)

6-9-7 PROHIBITED ACTS - ANIMAL NUISANCES:

- A. It shall be unlawful for any person owning, harboring or having custody or possession of any animal to cause or allow such animal to:
 - 1. Be estray or run-at-large within the Village limits, except that this provision shall not apply to cats; (Ord. 92-2)
 - 2. Enter into a public building unless such animal is a guide dog for a blind or deaf person or a patrol dog on official business;
 - 3. Be left unattended in any motor vehicle, truck bed or trailer unless such animal is confined so that no portion of the animal's head can protrude beyond the outer boundaries of the motor vehicle, truck bed or trailer;
 - 4. Be an animal nuisance as defined in this Article. (Ord. 92-2)
- B. It shall be unlawful for any animal owner to willfully, or through failure to exercise reasonable care and control, permit an animal to defecate or urinate on any public or private premise other than the owner's premises. It shall be the owner's responsibility to sanitarly remove any solid excrement from any public or private premises.
- 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. (Ord 92-2)
- D. It shall be unlawful for any persons to keep or harbor a vicious animal within the Village of Ruidoso, unless the animal is confined within a building or within a secure enclosure as defined in this Article. (Ord. 92-2)
- E. Commissioned officers of the Ruidoso Police



Department or the Animal Control Officer are authorized to humanely destroy any animal based upon probable and articulated cause that the animal is vicious and constitutes a grave physical threat of bodily injury to themselves or other persons within the Village of Ruidoso.

- 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 a private or public premises unless the premises are posted to warn of a site guard dog. The warnings 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 10" x 14" and shall contain black lettering on a white background "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 numbers for an absolute 24-hour contact with the unattended site guard dog's owner(s) or handler(s).
- 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 of Ruidoso unless said vehicle is enclosed and marked to warn of a patrol dog. The warnings 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 white lettering on a dark color vehicle background or black lettering on a light color 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, Ruidoso Police vehicles shall be marked with "POLICE CANINE", visible from the sides 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. (Ord. 82-25)
- H. Any female animal in the state of estrus (heat) shall be confined to a building or other secure enclosure (as defined in this Article) so that contact with a male animal of the same species will be prevented except for intentional breeding purposes. The Animal Control Officer may take any animal not in compliance with this provision to a boarding kennel or veterinary hospital, and the owner or keeper shall bear the expense of confinement so long as the estrus continues.

6-9-8 DOG 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 or deaf person, provided that the dog

is attended by or in the company of the blind or deaf 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 to otherwise maintain the peace. (Ord. 82-25)

6-9-9 CRUELTY TO ANIMALS PROHIBITED

- A. It is unlawful for any person to willfully or maliciously kill, maim, disfigure, beat with a stick, a chain, a club or other object, mutilate, burn or scald with any substance, drive over or otherwise cruelly treat or set upon any animal except that reasonable force may be employed to thwart any vicious animal.
- B. It is unlawful for any person to drive or work any animal cruelly or to neglect to provide any animal in their charge or custody, as owner or otherwise, with proper food, drink, shade, care or shelter, or to carry or leave any animal in or upon any vehicle in a cruel or inhumane manner.
- C. It is unlawful for any person to willfully or maliciously abandon any animal, either healthy or diseased, within the Village of Ruidoso.
- D. It is unlawful for any person by any means to make accessible to any animal, with the intent to cause harm or death to that animal or any other animal, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. This does not prohibit the humane destruction of animals pursuant to this Article. (Ord. 92-2)
- E. Whenever the Animal Control Officer finds any animal that is or will be without proper care because of injury, illness, incarceration or other voluntary absence of the owner or person responsible for the care of such animal said officer may take such animal into protective care; and in the event of illness or injury, upon advice of a licensed veterinarian, the Animal Control Officer may take such action as necessary to prevent undue pain and suffering, including immediate destruction of the animal.
- F. Operators of motor vehicles shall immediately, upon injuring, striking, maiming or running down any animal within the Village of Ruidoso, notify the Animal Control Officer or the Ruidoso 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, exhibition, 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.

(Ord. 82-25)



6-9-10 ADOPTION OF IMPOUNDED ANIMALS:

- A. Any impounded animal not claimed by the owner or the owner's representative within the minimum confinement period designated herein may be adopted by another person upon payment of required fees.
(Ord. 82-25)

6-9-11 DESTRUCTION OF ANIMALS:

- A. Any animal not claimed or adopted within the maximum confinement period allowed or which is sick, maimed or otherwise incapacitated beyond reasonable veterinary standards shall be painlessly destroyed by the Animal Control Officer using one of the following methods of humane destruction:
 1. Barbituates - hypodermic injection
 2. T-61 - intravenous injection
 3. Chemical
 - a. Carbon dioxide inhalation
 - b. Carbon monoxide inhalation
 - c. Chloroform inhalation
 4. Mechanical
 - a. High altitude
 - b. Shooting (emergency only).

(Ord. 82-25)

6-9-12 ANIMAL CONTROL SHELTER:

- A. An Animal Control Shelter shall be established to carry out the provisions of this Ordinance and shall consist of the following minimum services and facilities:
 1. Adequate impounding and confinement facilities for any stray, ownerless, unlicensed or unvaccinated cats, dogs or other animals, with reasonable attended hours for owner recovery or adoption;
 2. Individual isolation facilities for sick, vicious, rabid or suspected rabid animals; and
 3. Facilities for the humane destruction and intact disposition of all unclaimed, unadopted or unwanted animals.

(Ord. 82-25)

6-9-13 ANIMAL CONTROL OFFICER:

- A. For the purpose of enforcing this Ordinance, the Village Council may appoint the Animal Control Officer, as a contract employee from without the municipal- government or from within the municipal government as a municipal employee.
- B. Animal Control Officer(s) shall have the commissioned authority to issue citations whenever there is probable cause to believe that a person has violated the provisions of this Ordinance and to perform such other duties as prescribed herein. An Animal Control Officer may wear an identifiable uniform with a badge of office and authority, unless the appointed Animal Control Officer is a New Mexico certified officer employed by the Ruidoso Police Department, wherein the prescribed police uniform shall be appropriately worn.

- C. It shall be unlawful for any person within the Village of Ruidoso to willfully resist or obstruct an Animal Control Officer in the legal discharge of his duties.

(Ord. 82-25)

6-9-14 CONTRACTING FOR ANIMAL CONTROL SERVICES:

- A. For the purposes of enforcing this Ordinance, the Village Council may contract with any organization or person to perform the duties of the Animal Control Officer and to operate a Village Animal Control Shelter. As a condition of employment, the contractor shall provide the Village with proof of a minimum of \$300,000.00 liability insurance on all vehicles, and a like amount as contractual liability on his operation including \$1,000.00 - \$2,500.00 medical, and shall indemnify the Village for any liability incurred in its animal control operations. (Ord. 82-25)

6-9-15 MANDATORY SPAYING AND NEUTERING:

No person shall own or harbor within the Village of Ruidoso any cat or dog over the age of six months which has not been spayed or neutered, unless: that person holds either a permit to keep an unaltered dog or cat or a permit for breeding cats or dogs issued under Section 6-9-16 of this Code; or a veterinarian has certified, on a form prescribed by the Village and kept by the owner, that by reason of the animal's age or health condition that neutering would be detrimental to the animal's health or that the animal is incapable of reproduction.

6-8-16 BREEDING PERMITS; ADMINISTRATION.

- A. No owner of any dog or cat within the Village shall cause or allow the dog or cat to breed without first obtaining a breeding permit under this Section. The breeding permit shall be required in addition to the license required by Section 6-9-3 of this Code.
- B. The Village or its Contractor under Section 6-9-14 shall administer a permit program to allow the breeding of cats and dogs consistent with the criteria and according to the procedures in this Article.
- C. The fee for a breeding permit shall be \$25.00 per year.
- D. All breeding permits shall contain the following terms and conditions and shall be subject to all of the following requirements:
 1. No offspring of the animal which has been bred may be sold or given away until the offspring has reached the age of at least eight (8) weeks and been immunized against common diseases.
 2. If within one year of placement anew owner becomes unable or unwilling to continue ownership and responsibility for an animal, the permit holder shall assist in placement of the animal. If no suitable placement can be found within six (6) months, the permit holder shall accept return of the animal if healthy, and shall become fully responsible for its care.
 3. Any breeding permit holder advertising to the pub-



lic the availability of any animal for adoption or sale shall prominently display the holder's breeding permit number. The permit holder shall also provide the permit number to any person to whom any animal is sold or adopted.

4. The Animal Control Officer shall have the right to inspect the areas used by any breeding permit holder for the keeping of animal offspring, to determine compliance with the provisions of this Article.

6-9-17 SALE OR ADOPTION OF CATS OR DOGS.

Any person who offers to the public, whether or not for compensation, any pet or pet related goods or services shall provide free of charge to each person to whom any such pet, goods or services are provided, information relating to pet care, ownership, and laws. This information shall be prepared by the Village or its Contractor under Section 6-9-14, and shall at a minimum state or summarize the provisions of this ordinance relating to vaccination, licensing, animal nuisances, cruelty, and spaying and neutering.

6-9-18 KEEPING OF DOGS AND CATS; FANCIER'S PERMITS.

- A. It is unlawful for any person to be the owner of, to keep, to cause to be kept, or to assist in keeping more than five (5) dogs, cats, or any combination of dogs and cats, in the Village except in conformance with a fancier's permit issued under this section.
- B. A fancier's permit may be issued by the Animal Control Officer or the contractor under Section 6-9-14 for the keeping of up to ten (10) dogs, cats, or combination under the following conditions:
 1. The applicant for the permit must show a plot plan of the premises where the animals are to be kept; identify the numbers of cats and dogs which are proposed to be kept, including the numbers of which are to be kept predominantly indoors and which are to be kept predominantly or entirely outdoors; and identify the number and approximate location of any outdoor shelters on the premises.
 2. The fee for the permit shall be twenty-five dollars (\$25.00) per year.
 3. Each holder of a fancier's permit shall comply with all provisions of this Article, and shall keep the premises for which the permit is issued free from any obnoxious, offensive, or unsanitary condition.

6-9-19 REVOCATION OF PERMIT.

- A. Any permit issued under Section 6-9-16 or Section 6-9-18 may be revoked if any if any the following conditions exist:
 1. The permittee has violated any Village ordinances or New Mexico laws relating to the keeping, care or use of any animal;
 2. The permittee has failed to comply with any condition or requirement of the permit or has failed to pay any fee required by this Code;

3. The permittee refuses to allow inspection, on forty-eight (48) hours written notice, of any animal covered by the permit or the premises in which the animal is kept; or
4. The permittee has transferred, sold or otherwise disposed of the animal for which a breeding permit was issued.

- B. If, after investigation, the Animal Control Officer concludes that there is probable cause to believe that one or more of the above grounds for revocation has occurred, he or she shall give written notice of proposed revocation, by first class mail or personal delivery to the licensee. This notice shall specify the grounds for proposed revocation of the permit and shall specify a time and date for an informal hearing to be held before the Animal Control Officer. The date of the hearing shall be not less than five days after the notice is personally delivered or eight days after the notice is mailed. After the informal hearing, the permit may be continued in effect, modified, or revoked.
- C. The permittee may appeal the decision of the Animal Control Officer to the Village Council by written notice of the appeal within five (5) working days of the decision.

6-9-20 PENALTY:

A violation of any of the provisions of this article is punishable as provided in Section 6-1-3 of this Code.

- A. In addition, upon a conviction of any violation under this article a court may order an animal forfeited by the owner or owners and placed with an agency willing to accept custody of the animal, where the court finds either of the following circumstances:
 1. The animal has been cruelly treated, and the cruel treatment is likely to continue; or
 2. The owner(s) have been convicted of allowing the animal to run at large on two or more previous occasions, and the animal is likely to continue to run at large.
- B. If any person is convicted on two (2) or more occasions within one year of a violation of any provision of this ordinance, the following minimum fines shall not be suspended or deferred:
 1. second conviction: \$25.00
 2. Third conviction: \$50.00
 3. Fourth conviction: \$100.00
 4. Fifth and subsequent convictions: . . \$300.00

No fine shall be imposed on any person for a violation of any neutering requirements of this ordinance for that person bringing up to one litter of animals per year to the contractor for animal shelter services.

(Ord. 92-9)

