

TROLLEY PERMIT.

The Owner of a dog who has exhausted all options for restricting its dog to its property may apply for a Trolley Permit.

- A. The County Manager may issue a Trolley Permit upon an applicant's proving the following:
 - 1. All other methods of restricting the dog to the property of the Owner have been exhausted.
 - 2. A trolley system is deemed the only acceptable temporary method to keep the dog on the Owner's property.
 - 3. The dog has been spayed or neutered, microchipped, and has a current license as required by Section 6-43 of the Code.
- B. An Owner will be limited in the number of dogs that may be restrained by trolley systems based on the Owner's proof that an adequate living area is available for any dog where a trolley system will be located and no more than one dog may be tethered to any trolley system.
- C. A dog attached to a trolley system shall be surrounded by a barrier sufficient to protect the dog from at-large animals. The barrier shall be sufficient to prevent children from accidentally coming into contact with a dog on a trolley system.
- D. No dog shall be left on a trolley system for longer than nine (9) hours in a twenty-four (24) hour period.
- E. Trolley Permits are good for one year only.
- F. Trolley Permits shall not convey a property interest on an Owner who is issued a Trolley Permit by the County Manager. The Trolley Permit may be revoked at the discretion of the County Manager upon a showing of non-compliance with any provision of Chapter 6 of this Code.
- G. The Board of County Commissioners shall, by resolution, establish a Trolley Permit fee.

Sec. 6-31. - Definitions.

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

Abandon means to leave an animal for more than 24 hours without making effective provisions for its proper feeding and care.

Adequate food means access to and the provision of food that is 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 veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

Adequate living area means a sufficient space for adequate exercise suitable to the age, size, species and breed of animal.

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. At a minimum, the structure must:

- (1) Be sufficient in size to allow each animal to stand up, turn around, lie down, and stretch comfortably;
- (2) Be free of standing water, accumulated waste and debris;
- (3) Have adequate ventilation;
- (4) For dogs and cats provide a solid floor, that is elevated from the ground and contains insulation between the ground and the solid floor;

Adequate water means access to a supply of 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.

Animal means any vertebrate member of the animal kingdom except humans.

Animal care services means the staff, facility, programs, pound, lot, premises, and buildings maintained by the county for the implementation of the control and care of animals.

Animal care services officer means a Bernalillo County Animal Care Services officer or supervisor.

Animal fighting paraphernalia means equipment that any reasonable person would ascertain is used for animal fighting purposes which includes, but is not limited to: (1) instruments designed to be attached to the leg of a bird, such as a boxing gloves, knife, gaff, or other sharp instrument, (2) items to train and condition animals to fight including, but not limited to, hides or other material used as hanging devices to strengthen and/or condition dogs, wooden sticks or handles used to pry open dog's jaws, performance enhancing drugs or substances, or food or water additives, and (3) the presence of any animal that appears to be a fighting animal alone or together with animals suspected of being used as bait animals including but not limited to rabbits, cats, and other dogs.

Bait animal is an animal used to train and/or condition other animals to fight and includes but is not limited to dogs, cats, and rabbits exposed to attack by other animals used or trained to be used in fighting or to make the attacking animal more confident and aggressive.

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

Bona fide animal show includes events sanctioned by organizations such as the American Kennel Club (AKC) or North American Dog Agility Council (NADAC), generally organized by local clubs, and including conformation events or performance events such as obedience, agility, and tracking,

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

Canine hybrid means:

(1)

Any canine which has or had a pure wolf or pure coyote as a parent or grandparent; or

(2)

An animal represented by its owner to an animal care services officer, law enforcement officer, or to a veterinarian to be the offspring, cross, mix, or hybrid of a wolf or coyote within the preceding two generations; or

(3)

Any animal which, because of its pure wolf or pure coyote ancestry, cannot be vaccinated against rabies.

Confinement means detainment or isolation of an animal.

County means the area within the jurisdictional boundaries of the County of Bernalillo, including privately owned land, excluding the area within the limits of any

incorporated municipality or within the jurisdiction of the United States Government or the State of New Mexico.

County manager means the County Manager of Bernalillo County or his or her designated representative(s).

Dangerous animal means any of the following:

(1)

An animal which, when unprovoked, engages in behavior that requires a defensive action by a person to prevent bodily injury to a person or another animal which is off the property of the owner of the animal in question; or

(2)

An animal which, when unprovoked, injures a person in a manner which does not result in muscle tears or disfiguring lacerations, or require extensive corrective or cosmetic surgery; or

(3)

An animal which, because of its poisonous sting or bite, would constitute a significant hazard to the public.

Designee or designated representative means the animal care services director or other appropriate staff.

Director means the Director of the Animal Care Services Department of Bernalillo County.

Enclosed means a parcel of land completely surrounded at the perimeter by a wall or fence of sufficient height and strength to contain animals within, or by an electric or invisible fencing that has been approved by the county manager.

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

Grooming parlor means an establishment or part thereof maintained for the purposes of performing cosmetological services for animals.

Guard dog means a dog that is used to protect a commercial property, but excludes a dog used exclusively to guard livestock.

Hobby breeder site means a non-commercial animal facility or premises operated by a person involved in controlled breeding of dogs or cats which are registered with a recognized registry organization, or which are a member of a breed which is not eligible to be registered, if that breed has been approved by the county manager. The resultant offspring are not sold for resale to commercial outlets or for the purpose of research, testing, or laboratory experimentation.

Household means the collection of individuals, related or not, who reside at one street address.

Kennel means a commercial establishment operating for intended profit where dogs or cats are boarded, kept, or maintained.

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.

Licensed veterinarian means an individual with a doctor of veterinary medicine degree who is licensed to practice in the state.

Livestock means horses, cattle, pigs, sheep, goats, rabbits, fowl, or any other domestic animals typically used in the production of food, fiber, or other products or activities defined by the county manager as agricultural.

Owner means a person 18 years of age or older or the parent or guardian of a person under 18 years of age who owns, harbors, keeps an animal, has one in his care, or permits an animal to remain on or about the premises owned or controlled by him.

Person means an individual, household, firm, partnership, corporation, company, society, association or legal entity, and every officer, agent or employee thereof.

Pet shop means any premises, or part thereof, open to the public which engages in the purchase, sale, exchange or hire of animals of any type, except the term shall not apply to premises used exclusively for the sale of livestock.

Premises means a parcel of land and the structures thereon.

Professional animal establishment means any kennel, grooming parlor, or pet shops, with the exception of state inspected veterinary hospitals and federally inspected laboratory facilities and zoos.

Qualified assistance animal means:

- (1) A dog trained or being trained by a recognized school for training dogs to assist persons with disabilities; or
- (2) An animal recognized as a service animal pursuant to the Americans with Disabilities Act of 1990; or
- (3) Any other animal approved by the governor's committee on concerns of the handicapped as acceptable in public places and trained to provide some special assistance to a person with a disability.

Quarantine means detention or isolation of an animal in order to observe for rabies.

Shelter means a non-profit animal facility operated by a municipality or member of a recognized animal humane association for the purpose of bringing aid and comfort to six or more dogs or cats, and where animals are not bred.

Show animal means a dog or cat, which is registered with a recognized registry organization, or is a member of a breed which is not eligible to be registered if that breed has been approved by the county manager, and which is involved in bona fide animal shows.

Sterilized means to be rendered permanently incapable of reproduction.

Stray means an animal found running at large.

To run or running at large means any animal free from physical restraint beyond the boundaries of the owner's premises.

Trap, neuter and return (TNR) is the practice of humanely trapping un-owned cats, having them evaluated, vaccinated, sterilized and ear-tipped by a veterinarian and returning them to the location where they were trapped.

Trolley means a cable strung between two fixed and stable points, to which an animal on a tether is attached, allowing for freedom of movement.

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

Vicious animal means an animal which kills or severely injures (so as to result in muscle tears or disfiguring lacerations, require multiple sutures, or extensive corrective or cosmetic surgery) a person or domesticated animal. Vicious animal does not include an animal which bites, attacks or injures a person or animal that is unlawfully upon its owner's premises. The provocation of an animal by a person is an affirmative defense to a charge of keeping or harboring a vicious animal.

Sec. 6-45. - Restraint of animals.

(a)

A person owning or having charge, custody, care, or control over an animal, including livestock, shall keep the animal upon his or her own premises ~~by either a secure run or kennel area, an enclosure surrounding the perimeter of the property, on a trolley device,~~ Within a secure enclosed pen, or in an area containing a fence or wall of sufficient height surrounding the perimeter of the property, on a trolley device system, or any other acceptable means associated with a particular species of animal. A trolley system shall consist of a tether attached to a cable trolley run by a swivel eye pulley or an eye-eye swivel pulley. Trolley systems shall only be used on canines. Direct Fixed point chaining of any animal to stationary objects is prohibited permitted in limited circumstances such as picnics or gatherings in a park or open space, for emergency purposes to permit an individual to render aid to a human or another animal and only when the owner is immediately present. In no circumstances shall an animal be restrained by fixed point chain for longer than one (1) hour. Any animal- A dog, not deemed dangerous, and not within a secure enclosure- enclosed pen or yard may be restrained by means of a trolley system, or a tether attached to a pulley on a cable run on its owner's property, subject to the following conditions:

(1)

Only one animal may be tethered to each cable run; Unspayed female dogs shall only be kept on a trolley system if the area containing the trolley system is completely enclosed by a structurally sound fence and gate or wall that is at least 5 ft. tall.

(2)

There ~~must be a swivel on at least one end-~~ shall be a swivel on both ends of the tether to minimize twisting or tangling of the tether and wear and tear on the trolley.;

(3)

Only one dog may be tethered to each cable run. The tether, ~~and trolley cable run must~~, and all hardware should be of adequate size and strength to effectively restrain the ~~animal-dog~~. The size and weight of the tether must not be excessive, as determined by the animal care services officer, considering the age, size and health of the dog;

(4)

The trolley cable ~~run must~~ shall be either at ground level or at least four (4) feet above ground level and shall have at least ten feet of useable length (from "stop" to "stop") along which the tether can freely move. ~~in length and mounted either at ground level or at least four feet above ground level;~~

(5)

For a ground trolley system, ~~T~~ the tether must be at least ten feet ~~in length~~ long and anchors must be buried completely below the surface of the ground. For all trolley systems, the dog must be able to move at least 10

feet perpendicularly away from the trolley along its entire length, and on both sides of it providing at least 200 sq. ft. of useable space for the dog. In no case shall a tether of less than eight feet be allowed. unless such length allows the animal to move beyond the legal boundary of the property, in which case the tether shall be no less than eight feet in length;

(6)

The tether must be affixed to ~~an animal by use of~~ to a non-abrasive, comfortably fitted collar or harness- harness or collar by a swivel snap. All areas of a harness or collar shall allow for the insertion of two fingers between it and the dogs skin. Metal, chain, . P- prong-type, pinch-type, or choke collars shall not be used;

(7)

The ~~device~~ tether must be fastened so that the ~~animal~~ dog can sit, walk, and lie down comfortably, and must be unobstructed by any objects that may cause the ~~device or animal~~ tether or dog to become entangled or strangled. The tether shall not allow the dog to get closer than 2 feet to any fence, or to extend over objects that would enable the dog to injure, strangle or hang itself;

(8)

The ~~animal-dog~~ must have easy access to adequate shelter at all times, shade independent of shelter, adequate food, and adequate water;

(9)

~~The area where the animal is confined must be kept free of garbage and other debris that might endanger the animal's health or safety. Feces shall be cleaned up regularly~~

(10)

~~The area where the animal is confined must be kept free of insect infestation, such as anthills, wasps' nests, flea, tick, and maggot infestations.~~

(b)

Any animal deemed dangerous shall be confined in a secure confinement indoors or outdoors, such as in a fenced yard, locked pen or other structure, that is designed to prevent the animal from escaping the confined area and young children from entering the confined area, but does not include chaining, restraining, or otherwise affixing the animal to a stationary object.

(c)

A dog is permitted on the street and in other public places only if on a secure leash not exceeding six feet in length. Longer retractable leashes may be used, provided the person with the dog is capable of controlling the dog. All other animals must be secured in a fashion acceptable for the species of animal. A person physically capable of controlling and restraining the animal must exercise immediate custody. This section does not apply when an animal is participating in a bona fide animal show authorized by the county or appropriate authorities.

(d)

Nothing in this section shall be construed as allowing any animal under physical restraint to commit any act defined as unlawful in this chapter.

(e)

A person who uses electric or invisible fencing designed to confine an animal to his property must clearly post a notice in two separate locations upon the property that such a device is in use.

Sec. 6-58. - Care and maintenance.

(a)

It is unlawful for a person to fail, refuse or neglect to provide any animal in his charge or custody such care and husbandry as to maintain the good health and well-being of the animal. Such care and husbandry shall include, but not be limited to, the provision of adequate food appropriate to species, potable adequate water, adequate living area, professional veterinary care and necessary grooming to maintain good health, and protection from extreme weather elements. Animals shall be provided adequate space to prevent overcrowding and to maintain normal exercise according to species, size and temperament.

~~(b) Any animal, except horses, cattle, pigs, sheep or goats, habitually kept outside shall be provided with a structurally sound, weatherproof enclosure, large enough to accommodate the animal.~~

All animal owners/guardians shall provide regular basic, necessary, and emergency professional veterinary care for all their animals. It is unlawful to possess an animal that is known or suspected to have an injury, accidental or deliberate, or to exhibit any signs of disease, or starvation, including but not limited to evidence such as protruding ribs or hip bones, shock, temperature fluctuations, tremors, swelling, open wounds, inability to eat, poor condition of the fur, blistering or abnormal bleeding, partial paralysis, or discharging blood or mucus, without arranging for professional veterinary care from a licensed veterinarian.

(c)

~~For livestock being kept on one acre or less, it is unlawful for a person to fail, refuse, and/or neglect to provide any livestock in his charge or custody with such care and husbandry as to maintain the good health and well-being of the animal. Such care and husbandry shall include, but not be limited to, nutritious food in sufficient quantity provided daily, fresh clean potable water available at all times, clean adequate space, necessary veterinary care, necessary hoof care, and a proper shelter or protection from weather.~~

All animals kept outdoors shall be provided with adequate shelter, accessible at all times, to the animal. These requirements exclude livestock that at all times of the day are confined to an area of more than one acre.

(d) An adequate living area shall be provided for all animals and shall be free of feces, noxious odors, toxic substances, accumulated waste and debris, storage items, cars or machinery, or sharp objects including but not limited to sand burrs, goat heads, metal, and glass, so that the animal shall be free to walk, lay down, or play without coming in contact with such matter. This living area shall be kept clean and free of insect infestation including anthills, wasp's nests, fleas, ticks or maggots.

(e) Feces shall be cleaned up daily from livestock sheds and shelters.

(f) Adequate food shall be provided to all animals.

(g) Dog pens or enclosures with tops or ceilings shall not be less than 5 feet tall.

(h) Grooming of the coat on most mammals is necessary to prevent matting, skin irritation, distress or pain, trapping of fecal matter, and loss of the ability to protect the animal from adverse weather conditions. A mammal shall not be so dirty or its fur so matted as to provide a home for parasites and insects. No animal shall be allowed to have a foreign object embedded in its hide, fur or skin other than a microchip.

(i) Equines shall be provided with professional hoof care by a licensed farrier or veterinarian to prevent overgrown hooves or other conditions.

(j) During the spring and summer, animals shall have easy access to sufficient shade to comfortably include all animals present in a reclining position.

(k) The areas beneath a car, truck or machinery does not qualify as shelter or access to shade.

(l) Structures including but not limited to houses built of metal, plastic or metal drums, garbage pails or similar barrel shaped structures turned on their sides are prohibited. Crates, including airline or transportation crates, are prohibited as a means of outdoor shelter/housing or confinement.