

**TITLE 8
ANIMAL CONTROL CODE**

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Pueblo of Acoma Laws 2003

**TITLE 8
ANIMAL CONTROL**

Origins: Unless otherwise noted, this Pueblo of Acoma Tribal Council adopted this Title as part of the 1985 Law and Order Code. The Pueblo of Acoma Laws 2003 supplied headings for each section in brackets.

Chapter 1. PURPOSE AND DEFINITIONS

8-1-1 Purpose. An ordinance regulating the vaccination, impoundment, registration, and disposal of unvaccinated, unregistered, unclaimed, diseased, at large, stray, or wild animals on lands within the exterior boundaries of the Acoma Pueblo Indian reservation to preserve public health, safety, and welfare by prevention of nuisances, hazards, and injuries resulting from or caused by such animals.

8-1-2 Definitions.

A. "Humane officer" means that person or persons empowered by the Pueblo of Acoma with authority and responsibilities for the enforcement of provisions of this Title.

Annotations: Pueblo of Acoma Laws 2003 replaced the word "Human" with "Humane" to correct spelling error.

B. "Dog" means any canine animal three (3) months of age or older.

C. "Cat" means any feline animal three (3) months of age or older.

D. "Owner" means any person, firm, association or corporation owning, keeping, harboring, or controlling any animal enumerated herein.

E. "At large" means a state in which any animal is found away from the owner's premises and not under the immediate control of a person, owner, employee, or member of the owner's family and not in some way restrained.

F. "Stray" means any animal not having any known or identifiable owner.

G. "Feral" means a domesticated animal which has reverted to a wild state.

H. "Rabies vaccination" means an injection of anti-rabies vaccine

approved by appropriate authorities of the State of New Mexico, United States Government, Pueblo of Acoma or any agency thereof, when such is received from a licensed veterinarian or an authorized public rabies clinic technician.

- I. "Pound" means any establishment authorized by the Pueblo of Acoma for the confinement, maintenance, safekeeping, and control of dogs, cats, livestock and other domesticated animals that come into the custody of the humane officer in the performance of official duties.
- J. "Nuisance" means any barking, howling, fighting or other act committed by any animal enumerated herein which disturbs the peace and quiet of the community, constitutes general trespass, creates a public health or safety hazard, or destroys the property of another.
- K. "License" means that tag approved and authorized by the Pueblo of Acoma for the registration of animals. To be valid, said tag must be properly obtained from and registered with the appropriate authorities of Acoma.
- L. "Other pet" means any animal other than a cat or dog which is held as a pet or domesticated animal.
- M. "Livestock" means any bovine, equine, sheep, goat, swine, fowl, or poultry.
- N. "Running at large" means any animal which is off the premises of its keeper and not under the direct control of a competent person.
- O. "Keeper" means any person who owns, harbors, keeps, or has control or custody of an animal.
- P. "Estray" means any animal at large where there is no identifiable keeper at hand.
- Q. "Vicious animal" means any animal which commits an unprovoked attack or terrorizes any person, property, or pet belonging to another.

Annotations: Pueblo of Acoma Laws 2003 reformatted the definitions and moved it into Chapter 1 from Chapter 2. Chapter 2 is now reserved for future use.

Chapter 2. [RESERVED]

Chapter 3. GENERAL RESPONSIBILITIES AND RESTRICTIONS

8-3-1 [Maintain Health and Welfare of Community]. It is unlawful for the keeper of

any animal to keep or maintain such animal in a manner so as to disturb or otherwise endanger the health and welfare of the inhabitants of Acoma.

- 8-3-2 [Confinement of Female Dogs or Cats]. Any female dog or cat in the stage of estrus (heat) shall be confined to a building or other secure enclosure so that contact with male animals of the same species will be prevented except for intentional breeding.
- 8-3-3 [Abuse of Animals]. It is unlawful for any person to maliciously kill, maim, injure, torture, mutilate, burn, beat, starve, or cruelly drive or work any animal.
- 8-3-4 [Abandonment of Animals]. It is unlawful to abandon any animal within the Pueblo of Acoma.
- 8-3-5 [Poisoning of Animals]. It is unlawful to poison domestic animals or to distribute poison or toxicants in any manner with the intent of poisoning domestic animals.
- 8-3-6 [Neglecting Animals]. It is unlawful for any keeper to fail to provide an animal with proper food, drink and shelter.
- 8-3-7 [Transportation of Animals in Vehicles]. It is unlawful to carry any animal in or upon any vehicle or to leave an animal in a vehicle so as to be cruel or inhumane or in such circumstances that a reasonable person would know that the animal might suffer injury or death.
- 8-3-8 [Animal Fighting]. It is unlawful to cause, instigate, promote, or maintain any fight in which two (2) or more animals are engaged for the purpose of injuring, maiming, or destroying themselves or another animal.
- 8-3-9 [Treating Animal as a Good]. It is unlawful to sell, offer for sale, barter, or give away any live animal as a premium, prize, award, novelty, gift, or incentive to purchase merchandise.
- 8-3-10 [Discoloring Animals]. It is unlawful for any person to color, stain or dye, or offer for sale or exchange any chicken, duckling, fowl, or other animal so colored, stained, or dyed within the Pueblo of Acoma.
- 8-3-11 [Limit on Number of Animals]. No person, group, or business shall keep or harbor more than two (2) dogs or cats of three months of age or older without first obtaining a special use permit from the Pueblo.
- 8-3-12 [Retention Permit Required for Wild or Exotic Animals]. It is unlawful for any person to receive, purchase, own, or keep any wild or exotic animal without first applying for and receiving a retention permit from the Pueblo as required under the Game and Wildlife Title of this Law and Order Code.

- 8-3-13 [General Responsibility of Livestock Keepers]. The keeper of any domestic livestock in populated areas shall keep all pens, enclosures, buildings and fences used to maintain such animal(s) in a condition so as to prevent or acceptably control offensive odors, insect breeding and other conditions which adversely affect public health and welfare, as well as to assure that such animals do not escape or roam unattended.
- 8-3-14 [Prohibition on Maintaining Livestock in Heavily Populated Areas]. Domestic livestock shall not be kept or maintained within heavily populated residential subdivision areas.
- 8-3-15 [Permitted Areas for Maintaining Livestock]. A person may maintain domestic livestock in the ranch and farm areas of the various villages so long as such maintenance does not unduly interfere with the rights, privileges, privacy, or health of surrounding neighbors.
- 8-3-16 [Space Restriction on Maintaining Equine or Bovine]. No one shall keep any equine or bovine over six (6) months of age on any premises which is less than one-third (1/3) of an acre in area for each animal retained thereon.
- 8-3-17 [Care of Livestock]. All domestic livestock shall be cared for according to recognized and accepted livestock management practices and in such a manner as to not create a public nuisance or to constitute cruel or inhumane treatment of the animal.
- 8-3-18 [Restrictions for Maintaining Livestock in Populated Areas]. All domestic livestock maintained in populated areas shall be kept in secure pens or enclosures which shall not be less than one hundred (100) feet from any inhabited dwelling, or currently used church or school.
- 8-3-19 [Branding of Livestock]. All livestock maintained other than as pets are to be branded in accordance with standard practices or as outlined in this or other titles of the Law and Order Code of the Pueblo of Acoma.
- Annotations:** See for example Livestock and Grazing Code of the Pueblo of Acoma Laws 2003.
- 8-3-20 [Change or Alteration of Brand]. It is unlawful to change or alter any brand on any animal unless said animal has been purchased and the new owner has appropriate documents or a bill of sale indicating that a sale or exchange has taken place.
- 8-3-21 [Failure to Brand Livestock]. It shall be a violation of this Title to fail to brand one's livestock which are maintained other than as pets.
- 8-3-22 [Recourse to Injury of Livestock Caused by Dogs]. It shall be the right of any livestock owner whose animal has been killed or injured by a vicious dog to

kill any such dog when it is caught in the act of injuring or killing his livestock, if such can be accomplished without endangering the life or property of another.

8-3-23 [Law Enforcement Officers May Take Animals]. Any peace officer may kill any dog, cat, or other pet found in the act of pursuing, injuring, or killing any livestock, poultry, or human, whether or not the dog is wearing a rabies tag or license; and there shall be no liability on the part of the police officer or the police department so long as the officer acted in good faith in killing such dog, cat, or other pet.

8-3-24 [Vicious Dogs]. It is unlawful for any person to keep any animal known to be vicious and liable to attack or injure human beings and/or domesticated animals unless such animal is securely kept to prevent any such un-provoked injury.

8-3-25 [Guide Dogs]. No person or business shall bar a guide dog that has been trained by a recognized guide dog school to lead a blind person in any place of public accommodation, entertainment, or amusement provided such dog is under the control of a blind person.

8-3-26 [Responsibility of Keepers of Guide Dogs]. Blind persons shall not be charged any additional fee for the admittance of their guide dogs, but shall be liable for any damage done to any property or person by their dog.

8-3-27 [Abandonment of Dog or Cat]. It is unlawful for anyone to abandon any dog or cat at any location other than an approved animal clinic or shelter during regular business hours without the express permission of the property owner where the animals are left.

8-3-28 [Regulation of Primate, Skunk, Raccoon, Fox, Sylvan Carnivore]. The sale, purchase, trade, and possession with intent to keep as a pet any subhuman primate, skunk, raccoon, fox or other sylvan carnivore shall be regulated by the provisions of this code and those applicable sections of Title 7 of the Pueblo of Acoma Law and Order Code.

Annotations: Pueblo of Acoma Laws 2003 specifies that the reference to Title 7 is the Game and Wildlife Code.

8-3-29 [Canine or Feline at Old Acoma Sky City]. Any canine or feline maintained at old Acoma (Sky City) shall be kept on a leash at all times that they are not confined to a building or pen and not allowed to roam, run at large, or be stray.

8-3-30 [Prohibited Areas for Maintaining Livestock]. It shall be unlawful for a person to allow his livestock to roam unattended or be stray upon public highways, road-ways or rights-of-way within the exterior boundaries of the Acoma

Pueblo except in those areas specifically designated as open range.

Chapter 4. OWNER'S LIABILITY

8-4-1 [Liability for Injury to Persons or Property]. The owner of any canine, feline, domesticated animal, or livestock shall be liable in damages for any injury to persons or property caused by said animals.

8-4-2 [Liability Based on Foreseeable Harm]. Liability shall exist without regard to whether the owner was aware in advance of the animal's harmful behavior or disposition as long as such injury is of the type and magnitude foreseeably caused by such an animal.

8-4-3 [Liability for Seizure of Animals]. The owner of any animal seized for violating any provisions of the regulations contained herein shall be liable as follows:

- A. To any criminal sanctions as may be imposed by the Tribal Court.
- B. The payment of an impoundment fee of not less than ten dollars (\$10) per day for each animal impounded and kept on tribal property or at a tribally authorized facility.
- C. To such other and further costs as may reasonably be established in a proper hearing before the Tribal Court.

Chapter 5. HUMANE OFFICER--DUTIES AND RESPONSIBILITIES

8-5-1 [Humane Officer's Duties - Generally]. It shall be the duty of the humane officer to:

- A. Maintain those records necessary for the proper implementation and enforcement of this Title.
- B. Coordinate with other animal control authorities and public health services biannual rabies vaccination clinics, licensing, registration, and public education programs as required.
- C. Capture and impound all at large or stray animals pursuant to authorized procedures as promulgated by the Tribal Council of Acoma or its delegated authority.
- D. Maintain and clean any kennels or temporary holding facilities operated by the Pueblo.
- E. Feed, water, and care for any animal impounded or taken into custody by the Pueblo of Acoma.

- F. Dispose of any animal in a humane manner which requires such, when it is in the custody of the Pueblo.
- G. Properly notify the owner of any identified animal found to be in violation of this title.
- H. Issue such warning notices and citations or make such arrests as may be required in the proper enforcement of this title.
- I. Work with tribal officials in establishing programs for proper inoculation and registration of animals on Acoma lands which requires same.
- J. Take into custody, seize or impound any animal found to be in violation of the provisions of this title, when such action is warranted for the protection of the animal or the general public.

8-5-2 [Right of Entry]. Officers authorized to enforce the provisions of this Title shall have the right of entry upon private property without process or warrant for the purpose of apprehending animals or abating any violation of the provisions of this Title when such is done in the performance of his official duties and in good faith.

Chapter 6. VACCINATION AND REGISTRATION OF DOGS AND CATS

8-6-1 [Rabies Vaccination]. No dog or cat shall be kept, harbored or maintained within the exterior boundaries of the Pueblo of Acoma unless such animal has proper and current rabies vaccination.

8-6-2 [Registration of Dogs and Cats]. All dogs and cats maintained on Acoma lands shall be registered with the appropriate agency of the Pueblo and a tag indicating such shall be affixed or attached to the animal.

8-6-3 [Duty to Vaccinate]. It is the duty of every person keeping a dog or cat over the age of three (3) months to have such animal vaccinated against rabies.

8-6-4 [Production of Proof of Vaccination]. Every person who keeps a vaccinated dog or cat must exhibit documentation of vaccination upon demand by anyone charged with the enforcement of this Title.

8-6-5 [Unlicensed or Unvaccinated Dog or Cat]. It is unlawful for anyone to keep an unlicensed or unvaccinated dog or cat on Acoma lands.

8-6-6 [License Required for Mature Dogs or Cats]. Anyone keeping a dog or cat over the age of three (3) months on Acoma lands shall procure a tribal license and pay the required annual fee.

8-6-7 [Condition Precedent to Obtaining a License]. No dog or cat may be licensed without the owner or his representative producing proof of rabies vaccination for the animal.

8-6-8 [Affixation of License and Rabies Tags]. License and rabies tags shall be affixed to the licensed animals at all times except when the animal is being kept in an approved kennel.

8-6-9 [License Fee Exemption]. Dogs utilized by the blind or government law enforcement agencies shall not be required to pay a licensing fee but must still be licensed.

Chapter 7. OFFICIAL IMPOUNDMENT AND DESTRUCTION OF VIOLATING ANIMALS

8-7-1 [Categories Requiring Impoundment and Destruction]. Any animal that falls within the following enumerated categories shall be subject to impoundment and subsequent destruction:

- A. A dog or cat without a proper tribal registration tag or other authorized tag.
- B. A dog or cat without a current rabies vaccination tag.
- C. Any animal which has become a nuisance to the community.
- D. Any animal that poses a threat to the safety of the general public.
- E. Any animal found trespassing upon the property of another.
- F. Any animal found running at large in populated village areas upon highways or roads so as to create a hazard to public safety, trespassing upon the property of another, or otherwise creating a nuisance.

8-7-2 [Humane Officer's Authority to Seize and Impound]. The Humane Officer is hereby authorized to seize and impound any such animal and place it in a designated impoundment area.

8-7-3 [Disposition of Animals]. The Humane Officer or any other officer authorized to enforce the provisions of this title shall be empowered to dispose of any animal upon the written request of or with the written approval of the animal's owner.

Chapter 8. CLAIMING IMPOUNDED ANIMALS

8-8-1 [Notice to Owner of Impound]. The owner of any impounded animal if known or identifiable, shall be notified without undue delay that his or her animal has

been impounded.

- 8-8-2 [Abandoned or Unclaimed Animals]. Unless the seized animal is redeemed by its owner within seven (7) days after such notice (except those animals being held under a rabies quarantine), it shall be deemed to be abandoned or unclaimed.
- 8-8-3 [Rabies Quarantine]. Animals being held under a suspected rabies quarantine shall be held in isolation for a period of not less than ten (10) days or for such additional time as may be recommended by a veterinarian.
- 8-8-4 [Disposition of Unclaimed Animals]. All unclaimed animals may be sold, given away, or destroyed in a humane and sanitary manner pursuant to established animal control center procedures or order from the Acoma Tribal Court.
- 8-8-5 [Conditions for Return of Animal]. Any impounded cat or dog may not be returned to its owner until he or she has first met the requirements for registration and vaccination of such animal.
- 8-8-6 [Animal Control Center Conditions for Return of Animal]. Before any impounded animal may be claimed and removed from impoundment, the person seeking such removal of the animal shall meet all applicable requirements of the animal control center which has legal custody of the animal.
- 8-8-7 [Disposition of Animal Suspected to Have Rabies]. Any animal which has bitten a person and there is a possibility that the animal is infected with rabies must be confined in isolation pursuant to the instruction of a veterinarian or public health official until such time that a determination can be made by a competent authority that the animal does not in fact have rabies.
- 8-8-8 [Obligation of Owner to Pay Impoundment Fees and Costs]. The owner of an impounded animal shall pay all legally incurred charges, fees or expenses which may arise as a result of the animal's impoundment.
- 8-8-9 [Obligation of Keeper to Pay Impoundment Fees and Costs]. The keeper of any animal which has been impounded under the provisions of this Title shall have the right to redeem the animal upon payment of the impounding fee, care and feeding charges and such other charges as may have been incurred as a result of such animal being impounded, notwithstanding other provisions of this title.
- 8-8-10 [Obligation of Keeper to Pay Costs and Fees Notwithstanding Destruction of Animal]. The keeper of any animal shall, upon proper showing in the Tribal Courts of Acoma, be liable for those charges outlined in 8-8-9 above, even if he allows the animal's destruction.

Chapter 9. CONTROL OF RABIES INFECTED ANIMAL

- 8-9-1 [Disposition of Animal Suspected to Have Rabies]. Any animal capable of transmitting rabies which is known to have bitten a person so as to cause an abrasion, puncture, or laceration of the skin, or which appears to be infected by rabies shall be closely confined in isolation by means of a proper enclosure for a period of not less than ten (10) days or for such additional time as a licensed veterinarian or public health authority shall recommend.
- 8-9-2 [Removal of Animal During Rabies Quarantine]. It is unlawful to remove any animal from rabies quarantine during the period of confinement without the consent of a public official duly empowered by the Pueblo of Acoma to authorize such release.
- 8-9-3 [Failure to Destroy Vicious Animals or Unvaccinated Animals Suspected of Rabies]. It is unlawful for any person to fail or refuse to destroy vicious animals or unvaccinated dogs or cats which exhibit the symptoms of rabies.
- 8-9-4 [Disposition of Animal Bitten by Another Suspected to Have Rabies]. Any animal bitten by another animal believed to be infected with rabies should be destroyed immediately; however, if the owner of such animal objects, the animal shall be vaccinated with a rabies vaccine approved for use in that particular species of animal and thereafter such animal shall be confined in isolation in a manner approved by a recognized veterinarian for a period of not less than six (6) months.
- 8-9-5 [Disposition of Undamaged Head of Animal Suspected to Have Rabies]. The undamaged head of any animal destroyed due to such animal being suspected of being infected with rabies shall be retained and delivered to the appropriate law enforcement, animal control, or public health officials for chemical examination to determine if rabies is in fact present.
- 8-9-6 [Duty to Report Animal Suspected to Have Rabies]. Anyone who suspects rabies in a domesticated or wild animal shall report the same to the Acoma Police Department or some other agency of competent authority.
- 8-9-7 [Duty to Report Animal Biting a Person]. Any person knowing that an animal has bitten a human being shall immediately report the incident to the Acoma Police Department.

Chapter 10. EMERGENCY DESTRUCTION OF ANIMALS

- 8-10-1 [Immediate Destruction]. Any animal shall be subject to immediate destruction for any of the following:

- A. Killing or attempting to kill any livestock.
- B. Presenting a reasonable likelihood for causing serious injury to any person in an unprovoked incident.
- C. Infection with rabies, bubonic plague or other contagious disease.
- D. The animal has been so severely injured that the likelihood of it recovering is extremely low or that the animal is in such severe pain that to allow it to continue to suffer would be inhumane.

8-10-2 [Person Authorized to Destroy Animal]. Destruction of an animal can be by either the Humane Officer or any member of the Acoma Police Department or, in their absence, by anyone else acting in a responsible and prudent manner.

8-10-3 [Damages for Destruction of Animal]. No party, private or governmental, shall be liable for damages due to the necessary destruction of any animal. Good faith or necessary destruction, if questioned need only be shown by a preponderance of the evidence.

Chapter 11. PRIVATE IMPOUNDMENT OF TRESPASSING ANIMALS

8-11-1 [Right to Seize Trespassing Animal]. When an animal is found at large or stray trespassing upon the private property of another, the owner of such property shall have the right to seize such animal and hold it in confinement.

8-11-2 [Duty to Notify Owner and Pueblo of Seizure of Trespassing Animal]. Any property owner taking an animal into custody for a trespass shall without unnecessary delay notify the owner of such animal and the Acoma Police Department of such actions.

8-11-3 [Duty to Care Seized Animal]. Any person taking an animal into custody pursuant to the provisions of this section shall have a duty to care for the animal in a humane manner until such time that the owner of such animal makes a reasonable restitution for any damages resulting from the animal's trespass and any reasonable storage fee resulting from the animal's seizure.

8-11-4 [Cause of Action Arising from Trespass]. Any person who has seized an animal pursuant to this section shall file a civil or criminal action with the Acoma Tribal Court within ten (10) days of seizing any animal if a settlement of the trespass and damages has not been reached with the owner of the animal.

8-11-5 [Right to Recover Seized Animal]. It shall be illegal for any person to enter the property of another to recover or release any animal seized for trespass

without the permission of the land owner where the animal is stored or under legal order of the Acoma Tribal Court.

- 8-11-6 [Notice to Recover Seize Animal]. The owner of any animal who desires to recover an animal seized by another person for an alleged trespass shall contact the person seizing such animal, the Acoma Police Department or initiate a recovery action with the Acoma Tribal Court.

Chapter 12. SPECIAL LICENSING PROVISIONS

- 8-12-1 [Kennel Business Requires License]. A kennel may not be operated within the Acoma Pueblo Indian Reservation unless such business is licensed to do business or operate by the Pueblo.

- 8-12-2 [Right to Access Kennel Business]. Duly authorized representatives of the Pueblo of Acoma who are acting in the official performance of their duties shall be permitted the right of access to any kennel for the purpose of compliance inspection at any reasonable time.

- 8-12-3 [Special Use or Kennel Permit Required]. Any person, business, corporation, or firm which desires to possess more than two (2) dogs or cats, over the age of three (3) months shall first apply for and receive a special use or kennel permit from the Pueblo.

- 8-12-4 [Permit Subject to Revocation or Suspension]. Any licenses or permits issued under the provisions of this title shall be subject to revocation or suspension for failure to comply with the requirements set forth herein.

- 8-12-5 [Duration of License or Permit]. Any license or permit issued pursuant to the provision of this title shall be valid only for that period of time authorized on the face of said permit or license.

Chapter 13. CLASSIFICATION AND PUNISHMENT

- 8-13-1 [Consequences for Violations of this Title]. Any person who violates any of the provisions of this title shall be guilty of a misdemeanor and upon conviction thereof shall be subject to such fine and/or imprisonment as may be deemed appropriate by the Tribal Court provided such does not exceed five hundred dollars (\$500.00) and/or six (6) months imprisonment. The Tribal Court will have authority hereunder to assess court costs and impoundment costs as civil fees upon conviction, upon a showing of reasonableness.

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