

STUDENT FAMILY HOUSING PET POLICY

New Mexico State University

INTRODUCTION

Research indicates that owning a pet can have measurable health benefits. Studies conducted in nursing homes and among the general public have shown that pet owners often have lower stress levels than non-pet owners. Pets encourage consistent exercise, improved quality of life, and help in bringing families and communities together. These are some of the reasons New Mexico State University allows pets in Student Family Housing with reasonable restrictions. The following is New Mexico State University's policies and procedures for ownership of pets in Student Family Housing. It also establishes the rules governing the keeping of common household pets in university housing.

The on-campus Pet Policy document outlines the general rights and responsibilities of prospective and current pet owners residing in the Family Housing communities. This document is not designed to provide an exhaustive coverage of pet-related topics that may surface throughout the course of the year. As always, we ask that our community members approach situations that arise with common sense and courtesy with community safety in mind. It is important to remember that **the Pet Policy is a work in progress that may be altered at anytime**. If any changes are to be made, you will be notified in writing.

We encourage any and all comments, questions, and concerns from our residents. Please call us at 646-5393 or email us at sfh@nmsu.edu and provide your input so that we may better serve you, our residents.

NOTE: *The Pet Policy is designed to ensure a pleasant, safe, and sanitary environment for all tenants, and to protect and preserve the physical condition of the property. This policy is in accordance with the Student Family Housing lease contract. It is imperative to note that written approval, issued by the Department of Housing & Residential Life, is necessary to house pets of any kind, except fish in an aquarium, on the premises. Violation of this policy may constitute grounds for lease violation, removal of the pet, and/or termination of the resident pet owner's contract.*

PET POLICY OVERVIEW

1. Restrictions & Procedures
2. Pet Policy Exceptions
3. Refusal of Pet Ownership Request
4. Pet Ownership Responsibilities
5. Enforcement of Policy Violations
6. Pet Policy Board
7. Las Cruces City Ordinances
1. Restrictions & Procedures

1.1. **Pet Restrictions** Student families are restricted from keeping a pet unless specifically approved in writing by the Department of Housing & Residential Life and in accordance with the NMSU Housing & Residential Life Pet Policy. In addition, the resident must follow the procedures, rules, and regulations stated below:

1.2. **Procedures** The procedures for a family to obtain approval for keeping a pet is as follows:

- Sign and submit a *Housing and Residential Life Pet Ownership Agreement* and an addendum to the Family Housing lease agreement.
- Submit proof of license, an inoculation record, a photograph of the pet(s) and the primary tenant, and written proof that the pet has been spayed/ neutered where applicable. Except for the last point, this information must be resubmitted annually for the pet(s) to be re-approved each year.
- Submit \$100 Pet Deposit per household. The Pet Deposit may be rolled over from one academic year to the next with prior arrangements with the Central Housing Office.

1.3. **Ownership Limitations** *The number of pets in a housing unit shall not to exceed a total of three (3) pets*

1.3.1. Limitations for Sutherland Village, Tom Fort, and Cole Village: Ownership is allowed in any of the following combinations:

- One (1) dog with maximum of two (2) of the following pets: cat, guinea pigs, hamsters, gerbils, caged birds, turtles, and fish tanks; or
- Up to two cats with a up to two (2) of the following pets (*with a maximum of three total*): guinea pigs, hamsters, gerbils, caged birds, turtles, and fish tanks; or
- Any combination of three (3) of the following pets: guinea pigs, hamsters, gerbils, caged birds, turtles, and fish tanks.

1.3.2. Limitations for Cervantes Village:

1.3.2.1. Dogs

1.3.2.1.1. Dogs are not allowed in Cervantes. Review of this policy will be conducted during the Summer of 2006.

1.3.2.1.2. Dogs currently residing in C/D complex and registered before November 1st, 2005 may continue to stay on campus.

1.3.2.1.3. Dogs will not be allowed in Cervantes E-Complex, having been designated as a dog-free area, even after Summer 2006.

1.3.2.2. Pet ownership is allowed in any of the following combinations:

- Up to two cats with a up to two (2) of the following pets (*with a maximum of three total*): guinea pigs, hamsters, gerbils, caged birds, turtles, and fish tanks; or
- Any combination of three (3) of the following pets: guinea pigs, hamsters, gerbils, caged birds, turtles, and fish tanks.

1.4. **Animals Allowed & Conditions for Allowance** The following animal types and conditions are consistent with applicable State and Local law. **NOTE:** Please see Section 1.3 for the maximum allowable combinations of pets.

1.4.1. Dogs

- Maximum number: 1
- Maximum weight: 30lbs when fully grown (exceptions may be requested, see section A-3)
- Must be a university-approved breed. (*Chow, Pit Bull, Rottweiler, Doberman pincher, German Shepard, Dogo Argentino, Fila Brasileiro, Japanese Taso, Great Danes, and Mastiffs not approved*)
- Must be spayed or neutered by six months of age (*documentation required*)
- Must have current anti-rabies vaccination (*documentation required*)
- Must be licensed annually as specified by the Las Cruces City ordinance (*see section 7*)
- Must be housebroken
- Must have current and clear photo on record.

1.4.2. Cats

- Maximum number: 1
- Must be spayed or neutered by six months of age (*documentation required*)
- Must have current anti-rabies vaccination (*documentation required*)
- Must be licensed as specified by the Las Cruces City ordinance (*see section 7*)
- Must be trained to use litter box or other waste receptacle
- Must have current and clear photo on record.

1.4.3. Birds

- Maximum number: 3
- Must be enclosed in cage at all times

1.4.4. Fish

- Maximum number of aquariums: 3
- Maximum aquarium size: 50 gallons
- Must be maintained on an approved stand.

1.4.5. Rodents (Guinea Pigs, Hamsters, or Gerbils ONLY)

- Maximum number: 3
- Must be enclosed in acceptable cages at all times

1.4.6. Turtles (NO OTHER reptiles will be allowed)

- Maximum number: 3
- Must be enclosed in acceptable cages at all times

1.4.7. Other pets not otherwise listed: Any animal not listed is prohibited on university family housing properties!

2. Pet Policy Exceptions Residents may request exceptions to the current pet policy in terms of the weight requirements, combination, etc. The request must be made in writing to the Pet Policy Board (See Section 6). It is imperative that the pet in question not reside on campus property until the request has been approved in writing. The resident will be asked to bring the pet in for the community council to see the pet. In order for such a request to be approved, the resident must provide documentation that would definitely prove that the exception requested would not pose an additional burden on the community. The burden of proof is on the resident requesting the exception
NOTE: THERE WILL BE NO EXCEPTION WAIVERS FOR BREEDS THAT ARE NOT APPROVED TO RESIDE IN FAMILY HOUSING

3. Refusal of Pet Ownership Request

If Housing and Residential Life denies a pet ownership request, a written notification will be sent to the pet owner stating the reason for denial. Housing and Residential Life will refuse a request if:

- The pet is not a common household pet as defined by this policy
- The pet owner fails to provide complete pet request information, or fails to update the information annually;
- New Mexico State University Housing determines the pet is not in compliance with the pet policy and/or other lease obligations. NOTE: The pet's temperament and behavior will be considered as a factor in determining the pet owner's ability to comply with the provisions of the lease as documented throughout Section B of the Pet Policy. The Department of Housing & Residential Life reserves the right to revoke permission or refuse permission if the pet's behavior is deemed to be aggressive, potentially harmful and/ or otherwise deemed to be incompatible with community living. See Section 3 for specific details in cases where a pet request may be initially approved and later revoked.

4. Pet Ownership Responsibilities

4.1. Required Documentation: Any resident wishing to keep a pet in Student Family Housing must provide the following information with the Housing and Residential Life Pet Ownership Agreement:

- Written proof signed by a licensed veterinarian or state/local authority that the common household pet has received all current vaccinations by state/local law, the pet is in good health (no communicable diseases), and is pest-free.
- Written proof that dogs and cats have been spayed or neutered before six months of age. If the animal is not yet six months of age the written proof must be submitted no later than the month the animal will six months old.
- Written proof the animal is licensed according to Las Cruces City ordinance.
- A current and clear photograph of the pet.

If approved, the pet must be re-approved annually. The student must resubmit all the required documents annually. If required documents are not submitted, the registration is void and the student is in violation of their lease.

4.2. Pet Deposits, Fees, and Other Costs

4.2.1. Pet Deposits: A \$100.00 deposit per household is required for all approved pets.

This deposit is to be paid before the animal is brought into the residence, and may be partially refundable. The portion of the deposit which is left after fumigation cost as well as any costs to repair damages caused by the pet will be returned to the resident through Student Accounts Receivable Office within 30 days of the check out, provided that all financial obligations to the university are fulfilled. Should cleaning, repairs or replacement costs exceed the deposit associated with the animal, the balance due will be applied to the student's university account.

4.2.2. Pet Fees: An application fee of \$20.00 will be due at the time of registration and will be required every year as a fee when records are updated. This fee will be used run/maintain the Family Pet Policy or other Family Housing Community needs.

4.2.3. Other Costs: The resident is responsible for all reasonable expenses directly related to the presence of the animal on the premises, including the cost of damages and repairs of the unit.

4.3. Alterations to the Unit

If any alterations are necessary to properly enclose the common household pet within the residential property, the resident must submit a request to the South Campus Coordinator for Residential Communities. This request is to include a letter, addressed to the Coordinator of Residential Communities, stating why the alterations are necessary, exactly what alterations will be made, and how these alterations will not permanently damage the residential property.

The resident will be responsible for all alterations that may be necessary to securely contain their household pet. These alterations must be only temporary and the unit is to be restored to its original condition before the residents vacates the premises.

Installation of pet doors is prohibited. The resident is responsible for any damages to the unit as a result of their alterations. If the university finds any additional costs, which are associated with the alterations, the university will charge these costs to the student's university account.

NOTE: No alterations are to be made without prior consent of the South Campus Housing and Residential Life Office.

4.4. Pet Free Areas & Restrictions

4.4.1. Pet Free Areas

Pet ownership is limited only to those units that have been approved. For common courtesy Pet Free areas have been established. Absolutely no pets are to be occupying Pet Free areas at any time. If a family wishes to keep a common household pet, and they are living in a Pet Free area they must move to a unit, located in an approved area.

4.4.2. Pet Area Restrictions

4.4.2.1. Pets must be maintained within the resident's rental property. When pets are outside the rental property (anywhere in the family housing area or on New Mexico State campus) dogs and cats must be either kept on a leash or carried. At all times they must be under control of the resident or other responsible individuals.

4.4.2.2. Pets are not permitted in common areas on campus (for example Corbett Center or any University Libraries). This also includes but is not limited to Student Family Housing lobbies, community rooms, the Aggie Express Store, and laundry rooms.

4.5. Pet Owner Identification

4.5.1. Unexpected Maintenance Occurrence: A resident who has been approved to keep a common household pet must clearly display the Approved Pet Owner window sticker in a window facing the main entrance area. This will allow university staff members who may enter the unit to be aware of the animal's presence.

4.5.2. University Staff Entrance with Notification:

When the resident is aware that university staff must enter the unit, dogs and cats must be in a kennel or on a securely attached leash, under control of a responsible person. Other types of pets must be properly caged. When a work order is placed, please tell the staff you have a pet so that it can be noted on the work order.

4.6. Pet Waste Removal

Pet owners who fail to remove pet waste will be charged for labor which includes, but is not limited to, travel to and from the unit, cleanup and disposal of waste. Continued disregard for the pet waste removal requirements is a violation of the pet policy, which could lead to revoking of the pet approval, removal of the pet, and termination of tenancy.

4.6.1. Litter Box Requirements

- All animal waste or the litter from the litter boxes shall be picked up/emptied by the owner, disposed of in heavy sealed plastic trash bags, and placed in an outside trash bin immediately.
- Litter is not to be flushed down the toilet
- Litter boxes shall be stored inside the residents' dwelling unit.

4.6.2. Removal of Waste Outside the Unit

- The pet owner is responsible for the removal of waste by placing it in a heavy sealed plastic bag and disposing of it in an outside trash bin immediately.
- The resident shall take adequate precautions to eliminate any animal or pet odors within or around the unit and to maintain the unit in a sanitary condition at all times. This may require picking up pet waste more than once a week.
- All common household pets are to be fed inside the unit. Feeding is not allowed on outside porches, sidewalks, or yards.

4.7. Animal Walking

- Any resident who owns a dog shall not walk the animal in designated "pet free" areas.
- The owner is responsible for all animal waste removal. The animal waste is to be picked up immediately, placed in a sealed plastic bag and disposed of in the outside trash bin.
- All animals are required to be on a leash at all times when outside the unit or the unit's enclosed back yard.

4.8. Pet Noise Requirements

Pet owners must control the noise of their pets so that it does not constitute a nuisance to other residents or interrupt the peaceful environment of university family housing. This includes, but is not limited to loud or continuous barking, howling, whining, scratching, chirping, or other such activities. Pet owners must comply with local nuisance laws. (See Section 7) Continued disregard for the noise requirements is grounds for a violation notice, revoking of the pet approval/ removal of the pet, and termination of tenancy. Please see section D-1 for a full description of noise related violations.

4.9. Pet Care

The pet owner is responsible for adequate care, nutrition, exercise and medical attention for their pet.

- Pet owners must recognize that other residents may have chemical sensitivities or allergies related to pets or may be easily frightened or disoriented by animals. Pet owners must agree to exercise courtesy with respect to other residents.
- Pet owner will be asked to specify a responsible party for the care of their pet in the event that the health or safety of the pet is threatened by death or incapacity of the pet owner.
- If death or incapacity of the pet owner threatens the health or safety of the pet, or other factors occur that render the owner unable to care for the pet, the situation will be reported to the responsible party designated by the resident. This includes pets that are poorly cared for or have been left unattended (over 24 hours).
- If the responsible party is unwilling or unable to care for the pet, or if the university after reasonable efforts cannot contact the responsible party, the university will contact the appropriate state or local authorities and request the removal of the pet.

4.10. Pet Care

It is unacceptable for unidentifiable animals to roam freely around the family housing area. All stray or otherwise free roaming animals will be collected by animal control or by Housing staff. To aid in providing information about the owner of the pet, it is important that staff be able to identify the owner for the pet.

- All dogs and cats are required to have a metal Pet ID Tag with the following identifying information: the pet owner's last name and the pet owner's housing unit number.
- Housing will provide all properly registered dogs and cats with a Pet ID Tag with the required information engraved on the tag.
- Dog and cat owners may provide their own Pet ID Tag so long as it contains the required information.

5. Enforcement of Policy Violations

- 5.1. Authorization: Authorization for a common household pet may be revoked at any time. Reasons for withdrawal of authorization may include, but are not limited to, if the university finds the animal to be vicious, intimidating, destructive, nuisance to others, or if the tenant fails to comply with this policy.
- 5.2. Inspection: In accordance with the university Procedures for Entry and Search of University Housing university staff may enter a unit and inspect, with sufficient suspicion with regards to the conduct or condition of the pet in the unit.
- 5.3. Enforcement of Policy Violations

If a resident violates any of the above pet policy requirements, then that resident is in violation of their contract and will be subject to disciplinary actions and/or penalties.

- 5.3.1. Major Infractions Major Infractions include, but are not limited to, animals that have exhibited vicious, intimidating, destructive behavior towards other on campus community members. Behavior of any significant concern towards a child will be considered a major infraction.

1st Infraction: The resident will meet before the pet policy board to determine an adequate response for such behavior. If the board is unable to meet within an appropriate timeframe, the Assistant Coordinator or the Coordinator for South Campus may determine an adequate response. This decision may be appealed to the Pet Policy Board (see Section 6). If a major infraction occurs, the Assistant Coordinator of South Campus or the Coordinator for South Campus may require a temporary, immediate removal of the animal from campus 2nd Infraction: If a second infraction occurs, the animal will be immediately be evicted from living on campus. This decision may be appealed to the Pet Policy Board (see Section 6).

- 5.3.2. Minor Infractions:

Minor infractions are any and all Pet Policy infractions that do not fall into the "Major Infraction" category or is not deemed as a major policy infraction by the Assistant Coordinator and Coordinator for South Campus. Such violations might include, but are not limited to, pet nuisances, waste cleanup, unhealthy pet environment, etc.

1st Infraction - The resident will meet with a staff member and receive a verbal warning. The conversation will be documented in a follow-up letter.

2nd Infraction - The resident will meet with a staff member and receive formal written warning. The second infraction may include failure to resolve the first infraction within 10 days or committing any similar infraction.

3rd Infraction - If the resident fails to comply with the first two requests or commits another similar infraction, the Assistant Coordinator or the Coordinator for South Campus may determine an adequate response. Their decision may be appealed to the Pet Policy Board (see Section 6). However, at the Assistant Coordinator or the Coordinator's discretion in providing community input, the issue could be sent to the Pet Policy Board for a decision. Depending the severity of the infraction, the resident will have 30days or 24 hours to remove the pet from the premises.

- 5.3.3. Pet Eviction: If a resident's pet is evicted, the resident will be given at least twenty four hours and up to thirty days to remove the pet from the premises based on the severity of the infraction. Failure to remove the pet within the time specified may result in termination of tenancy.

6. Pet Policy Board

- 6.1. Pet Policy Board Membership: The Pet Policy board will consist of two residents, 1 Area Coordinator from North Campus, 1 Assistant Coordinator of Residential Communities, and 1 Community Assistant.
- 6.2. Pet Policy Board Meetings The Pet Policy board will meet as needed to enforce Pet Policy violations, to hear requests for exceptions, and other business that pertains to the Pet Policy

7. Las Cruces City Ordinances

Any resident wishing to keep a common household pet in university family housing must comply with the following local ordinances.

Sec. 7-15. Nuisance.

(a) It shall be unlawful for any owner of any animal, either willfully or neglectfully, to fail to exercise due care or control that permits such animal to cause damage or be a nuisance to the person or property of another. Any animal may be impounded by the animal control officer when the animal contravenes any section of this Code.

(b) It shall be termed a nuisance to keep an animal that causes frequent or long-continued noise which disturbs the comfort and repose of any person of ordinary sensibilities in the vicinity.

(c) No person shall keep or harbor any animal, which howls, barks or makes excessive noise in violation of this section.

It shall constitute a violation of this section if the howling, barking or noise occurs continually and is audible beyond the property line of the premises on which the animal is located:

- (1) For more than 15 minutes between the hours of 10:00 p.m. and 8:00 a.m., and is attested to by complainants from two or more separate properties;
- (2) For more than 15 minutes between the hours of 8:00 a.m. and 10:00 p.m., and is attested to by complainants from two or more separate properties; or
- (3) For more than 15 minutes between the hours of 10:00 p.m. and 8:00 a.m., or for more than 15 minutes between the hours of 8:00 a.m. and 10:00 p.m., and is attested to by an animal control officer or law enforcement officer.

(d) In order to abate the nuisance created by the animal howling, barking or making noise in violation of this section, animal control officers may enter the yard and may seize any such animal from the yard where the violation is occurring if the officer is unable to contact the owner or if the owner is unable or unwilling to take action to stop the howling, barking or noise.

(e) Complaints may be filed in the municipal court by any citizen affected by an incident classified a nuisance.

(Code 1988, § 7-15; Ord. No. 1943, § I, 9-3-02)

Sec. 7-16. Animal waste.

The owner or keeper of domestic animals, such as dogs, cats or any small household animal, permitted within the city limits or any licensed rehabilitator shall maintain a watertight and flytight receptacle for manure from such animals which shall be emptied frequently and in such a manner so as to prevent a nuisance or health hazard. Such receptacles shall be securely covered at all times except when opened to deposit manure. No manure will be allowed to accumulate except in such receptacles.

(Code 1988, § 7-16)

Cross References: Solid waste, Ch. 25.

DIVISION 1.

ANTI-RABIES VACCINATION

Sec. 7-51. Anti-rabies vaccination of dogs and cats required.

No person shall own, keep, harbor or offer for sale within the city any dog or cat three months of age or older unless such dog or cat has a current vaccination. A dog or cat will have a current vaccination for the remainder of the month during which it was vaccinated and for the following 12 calendar months. The dog or cat must be revaccinated before the expiration of the first and each subsequent current vaccination period.

(Ord. No. 1759, § I, 8-16-99)

State Law References: Vaccinations required, NMSA 1978, § 77-1-3.

Sec. 7-52. Tag.

Dogs and cats shall wear a current anti-rabies vaccination tag at all times.

(Ord. No. 1759, § I, 8-16-99)
Secs. 7-53--7-80. Reserved.

DIVISION 2.
DOG AND CAT LICENSING*

* Cross References: Health and human services, Ch. 12.

Sec. 7-81. Annual dog and cat license required.

(a) An owner of a dog or cat over six months of age within the city shall obtain a dog or cat license issued by the city or its agent.

(b) An owner of a dog or cat under six months of age within the city may obtain a juvenile dog or cat license issued by the city or its agent.

(Ord. No. 1759, § I, 8-16-99)

Sec. 7-82. License issuance.

(a) License fees shall be set by city council resolution. The council shall use a differential fee structure to encourage spaying and neutering.

(b) A written license and a license tag shall be issued upon proof that the dog or cat has been properly vaccinated against rabies by a licensed veterinarian.

(c) An altered animal discount shall be given upon proof that the dog or cat is spayed or neutered. Proof shall consist of a written certificate by a licensed veterinarian that the animal has been spayed or neutered, or that spaying or neutering would be an unnecessary surgical risk for the animal due to its age or physical condition.

(d) The city or its agent shall maintain public records of the license applications and licenses issued.

(Ord. No. 1759, § I, 8-16-99)

Sec. 7-83. License application.

Application for the license shall be made by the owner within 30 days of acquiring ownership of a dog or cat over the age of six months except that this requirement shall not apply to a noncity resident keeping a dog or cat within the city for no longer than 60 days provided that the animal is currently vaccinated against rabies.

(Ord. No. 1759, § I, 8-16-99)

Sec. 7-84. License tag.

Dogs and cats shall wear a current license tag at all times.

(Ord. No. 1759, § I, 8-16-99)

Sec. 7-85. Denial.

If the license applicant has withheld or falsified any application information, the license shall be refused or revoked.

(Ord. No. 1759, § I, 8-16-99)

Sec. 7-86. Duration.

The licensing period shall be for a minimum of one year commencing on the date of issuance.

(Ord. No. 1759, § I, 8-16-99)

Sec. 7-87. Duplicate license.

A duplicate license shall be issued upon payment of a replacement fee.

(Ord. No. 1759, § I, 8-16-99)

Sec. 7-88. Issuance restricted.

No person may use a pet license issued under the provisions of this article for any dog or cat other than the animal for which it was issued.

(Ord. No. 1759, § I, 8-16-99)