

SANTA CLARA

ORDINANCE NO. 127 - DOGS

5.201 - DEFINITIONS. Definitions for the purpose of this ordinance. The following words and phrases are defined and shall be construed as hereinafter set out unless it shall appear from the context that a different meaning is intended:

OWNER: Any person, firm, association, or corporation owning, keeping or harboring animals.

KENNEL: Any person, firm, association, or corporation engaged in the commercial business of breeding, buying, selling or boarding dogs and cats.

SPAYED FEMALE DOG: A female dog which has been operated upon by a licensee veterinarian to prevent conception.

AT LARGE: Any dog shall be deemed at large when he is off the property of his owner and not under the control of a competent person.

RESTRAINT: A dog is under restraint within the meaning of this ordinance if he is in his owner's property; or on a leash; or at "heel" beside a competent person and obedient to that person's commands.

EXPOSED TO RABIES: An animal has been exposed to rabies within the meaning of this ordinance if he has been bitten by any animal known to have been infected with rabies.

BITE OR BITTEN: An actual puncture or tear of the skin inflicted by the teeth of an animal.

POUND: An establishment for the confinement of dogs seized either under the provisions of this act or otherwise.

INNOCULATIONS, VACCINATION, VACCINATION FOR RABIES: The inoculation of a dog with a vaccine approved by the State Department of Public Health for use in the prevention of rabies.

5.202 - LICENSING OF DOGS.

On or before the First day of July of each year, the owner of any dog six months of age or over shall apply to the Village Clerk in writing for a license for each such dog owned or kept by him. Such application shall state the breed, sex, age, color and markings of such dog, and the name and address of the owner. Each application shall be accompanied by a license fee of \$5.00, for each male or spayed female dog and \$10.00 for each unspayed female dog, provided, however, that no license fee shall be charged for guide dogs trained to lead a blind person. The application for a license shall also be accompanied by proof of vaccination of the dog by a licensed veterinarian within the 180 day period preceding the date of application.

5.203 - LICENSE CERTIFICATES.

The Village of Central, New Mexico, shall prepare license certificates in duplicate form which shall be serially numbered, with space for the information mentioned previously

in Section 2 (5.202). One copy of the license certificate shall be given to the owner of the dog, and one copy shall be retained by the Village Clerk as a permanent record of the dogs licensed in the Village of Central, New Mexico, for that year.

5.204 - DOG TAGS.

A tag shall be issued with each valid dog license. The tag shall be issued with each valid dog license. The tag shall be of a different distinctive color and shape each year. The tag shall be worn only by the dog for which it was issued, and shall be worn at all times, firmly fixed to the dog's collar, or harness when the dog is off the owner's premises.

5.205 - ESTABLISHMENT OF MUNICIPAL DOG POUND.

The marshal or chief of police is hereby authorized, empowered and directed to provide a suitable place or pound within the Village limits for the purpose of carrying out and enforcing the provisions of this Ordinance. The Humane Officer is charged with the operation and maintenance of the pound under the supervision of the chief of police, and it is his duty to supervise, inspect, maintain, keep records, feed, determine ownership of impounded animals when possible and in a humane manner to destroy all unwanted and unclaimed dogs. He shall also be responsible for the impounding of dogs under the provisions of this Ordinance.

The Board of Trustees shall provide funds for the operation of the pound, to include the pay of the Humane Officer, maintenance and operation of the pound, feeding and care of impounded dogs and the destruction and disposition of unclaimed dogs. Any and all fees collected by the Humane Officer shall be delivered to the Treasurer of the Village and credited to the General Fund.

5.206 - IMPOUNDING OF DOGS.

The Marshal or Chief of Police, the Humane Officer, and any policeman is hereby authorized and directed to seize and impound all dogs running at large within the Village.

5.207 - NOTIFICATION OF OWNER OF IMPOUNDED DOGS.

Upon the impounding of any dog, the Humane Officer shall make a diligent effort to find the owner by means of tags attached to the collar or by search, and if the owner is determined he shall notify said owner by telephone or by mail that the dog is impounded and will be destroyed after 48 hours if not reclaimed and the fees paid. A written notice of the impoundment describing the dog shall be posted in the lobby of the Village Hall within 2 hours after the impounding.

5.208 - IMPOUNDING FEES.

Owner shall be fined with said fees for any dog impounded. Impounding fees of \$10.00 for the first day and \$5.00 for



each subsequent day; after 2 impoundments of the same dog in the same Village fiscal year, the fees shall be doubled.

5.209 - RELEASE OF IMPOUNDED DOGS.

Dogs impounded may be reclaimed by the owner on satisfactory proof of ownership, payment of the impounding fees and proof of proper registration of said dog, or after payment and proof of vaccination and license fee if they have not been currently paid. All citations will be dropped within 72 hours.

5.210 - PERIOD OF IMPOUNDMENT.

All dogs impounded shall be kept for a period of 72 hours with license or 48 hours without license unless sooner claimed by respective owners or unless the owner requests the immediate destruction of such dog.

5.211 - SALE OF IMPOUNDED DOGS.

After the Notice of Impoundment has been given and the required period of impoundment has expired the impounded dog may be sold for cash on the payment of the impounding fee and any vaccination and license fees due.

5.212 - DISPOSITION OF UNCLAIMED OR UNADOPTED DOGS.

Unclaimed or unadopted dogs shall be humanely destroyed by the Humane Officer after the expiration of the 48 hour period of impounding; provided, however, destruction may be delayed if the Humane Officer has reason to believe the owner or keeper of such dog has not been physically able to reclaim the dog or that the dog is of such value that there is reasonable supposition the dog might be sold to another person.

5.213 - VICIOUS DOGS.

It shall be unlawful for any person to keep any dog within the limits of said Village known to be vicious and liable to bite, attack, and injure human beings, or which attempts to do so unless such dog is securely penned or confined.

5.2-4 - RABIES, DETENTION. DOG OR ANIMAL BITING A PERSON. OWNER'S DUTIES.

In the event a dog or other animal shall bite a person, or be reported to have bitten a person or be suspected of having bitten a person, it shall be the duty of the owner, or the person having the care, custody or possession of the same to immediately notify the Central Police Department, or the Humane Officer, or the county Health Officer, and to deliver and surrender said animal to a police officer of the Village of Central, or to any representative of the Humane Officer or County Health Officer, for observation for rabies as hereinafter provided. Such officer or officers being hereby authorized and empowered to enter any premises in order to make any inspection or examination of any such dog or animal as may be deemed necessary by the health officer or Humane Officer. It shall be compulsory and the duty of the person or persons injured by such dog to report such injury to the Village Police Chief, who shall forthwith render a full

and complete report of investigation therein. It shall be the duty of any such Village Officers taking such dog to cause such dog to be confined in the Village Dog Pound, or at any other safe and suitable place, as the owner or keeper thereof shall direct at his own expense, which place of confinement shall be approved by a licensed veterinarian or the County Health Officer, but in no event shall such animals be placed in any enclosure with animals of any kind. Confinement of such dog shall be continued for a period of 14 days, or such other time, not less than 10 days, as the County Health Officer shall direct, or deem necessary so as to avoid all danger to life or health of the public, during which time such dog shall be observed by a licensed veterinarian or County Health Officer to determine whether or not it be afflicted with rabies. Such dog shall not be released from confinement except upon the authorization of the County Health Officer and, upon payment by the owner of custodian thereof, of the per diem charges for such custody as herein provided, together with all other expenses and costs incident to custody and observation. The carcass of any animal which has died of rabies or has been suspected of having such disease, shall be surrendered immediately to the County Health Officer for disposition.

5.215 - DOGS SUSPECTED OF RABIES, TAKING AND DISPOSITION.

In order to insure the proper medical treatment of all persons exposed to rabies infection, it is hereby declared to be imperative that dogs suspected thereof be properly confined for observation. Therefore, it shall be the duty of the Village Humane Officer to take into custody and confine for observation by a licensed veterinarian or County Health Officer any dog or dogs at large on the public streets or other public places suspected of, or showing any symptom of madness or rabies. Such confinement and observation shall be continued for a period of fourteen days or such other time not less than ten days, as the County Health Officer shall direct or deem necessary so as to avoid all danger to life or health of the public. No dog confined for observation for rabies or madness shall be destroyed or disposed of, except upon the required observation and authorization of the County Health Officer as herein provided.

5.216 - AMOUNT OF DOGS PER HOUSEHOLD WILL BE 2. Any more than 2 dogs will need a Kennel license, for professional only.

5.217 - OFFENSES.

1. It shall be unlawful for any person to own or to have in his possession with in the Village of Central, any dog which has not been licensed as herein provided.
2. It shall be unlawful for any person to forcibly open any pound feeding docs impounded under this Ordinance; or to remove or aid in the removal of any animal so impounded without having paid the license fee or cost of impoundment; or to molest or interfere with the Humane Officer or any other person duly authorized in the discharge of the duties herein provided.



3. It shall be unlawful for any person to hinder, resist or oppose the Humane Officer, his duly appointed assistants or members of the Village police department, in the performance of their duties; or to conceal or secrete any such dog from the persons herein authorized to take the same into custody except that no Humane Officer or police officer shall enter on private premises unless in an emergency in which there is reasonable belief that life and limb are in danger, without the written consent of the owner or tenant or a proper warrant of search.
4. It shall be unlawful for any person to have, keep, or harbor any dog which is known or believed by him to be infected with madness or rabies, except as herein provided.
5. It shall be unlawful for any person, the owner or custodian, of a dog which has bitten a person, to remove such dog from the limits of the Village prior to the expiration of a period of 14 days after such dog has bitten a person.
6. It shall be unlawful for any person either on or off the premises on which a dog is confined or secured to tease, entice, or enrage, or to assist in the same, maliciously, intentionally, or willfully, any penned, confined or secured dog, on which the license fee has been paid in the Village.
7. It shall be unlawful for any person within the Village to willfully or maliciously, except as herein provided, kill, maim, disfigure, or injure any dog on which the license has been paid, or to willfully or maliciously administer poison or glass to any such dog, or to expose any poisonous substance, or glass with the intent that same shall be taken and swallowed by such dog.
8. It shall be unlawful for any person who owns or keeps a dog in the Village to permit the dog to bark, howl, destroy property or otherwise become a nuisance or disturb the peace of any other person of the Village.
9. It shall be unlawful for any person to allow any bitch kept or harbored by him to run at large, while proud or in heat. It shall be unlawful for any person to willfully or negligently permit any dog owned, kept, or harbored by him to be or run at large within the limits of the Village of Central without a competent and responsible attendant or master; or after complaint to or request by any person being annoyed by such dog, or any police officer of the Village after complaint to said police officer, to willfully or negligently fail, neglect, or refuse to keep such dog securely confined within the limits of his own premises when not under the immediate care and control of a competent and responsible attendant and master.

5.218 - PENALTIES.

Any person who shall violate the provisions of this Ordinance, shall be deemed guilty of misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$200.00, or by imprisonment for a period not to exceed 90

days or both.

5.219 - CONFLICTING ORDINANCES OR PARTS OF ORDINANCES REPEALED. Any ordinance, or any part thereof in conflict with the provision hereof is hereby repealed.

The above ordinance duly passed by the Board of Trustees of the Village of Central, Grant County, New Mexico, this 16th day of June, A.D. 1993.

ORDINANCE NO. 131

AN ORDINANCE REPEALING ORDINANCE NO. 53 OF THE VILLAGE OF CENTRAL, NEW MEXICO AND ENACTING A NEW ANIMAL AND LIVESTOCK ORDINANCE AND SETTING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF CENTRAL, NEW MEXICO, as follows:

SECTION 1 - FARM ANIMALS AND LIVESTOCK PROHIBITED. It shall be unlawful for any person, corporation, association or group to keep for any purpose whatsoever or for any duration whatsoever within the city limits any live cattle, horse, donkey, mule, sheep, goats, swine, rabbits, chickens, ducks, geese, turkeys, pigeons, doves, peacocks, other like fowl or wild animals. Owners of such animals shall be exempt from this prohibition so long as the owner can show that he or she owned the animal in question on the effective date of this amendment. Such proof may be made by showing either that the animal had been registered or that it was being carried by its mother after the date of the passage of this Ordinance, but prior its effective date.

SECTION 2 - REGISTRATION OF ANIMALS.

All persons keeping any type of animal within the corporate limits of the Village of Central on the date of the adoption of this ordinance must register each animal at the Central City Hall prior to the effective date of this Ordinance. All persons seeking to register animals must be able to provide papers showing ownership thereof and must provide a physical description of such animals. All persons must register all that are owned or harbor 30 days after the adoption of this Ordinance. A ten dollar fee will be implemented for each household with livestock at the time of registration.

SECTION 3 - NOT TO RUN LOOSE.

It shall be unlawful for any animal to run at large or to be loose within the corporate limits of the Village of Central.

SECTION 4 - ANY PERSON MAY TAKE UP.

Any person who shall find any animal or animals described in Section 3 of this act running at large contrary to the pro-

visions hereof may take up and deliver it to the Police Chief or Humane Officer.

SECTION 5 - PUBLIC NUISANCE ANIMALS.

- A. Any animal creates a public nuisance when it:
- (1) molests passersby or passing vehicles or attacks and/or bites humans or other animals;
 - (2) trespasses on school grounds;
 - (3) is running at large;
 - (4) damages public or private property;
 - (5) barks, whines, or howls excessively - quiet hours are between 9 p.m. and 7 a.m.;
 - (6) emits noxious or offensive odors; or
 - (7) acts in any manner which annoys or may injure humans.

SECTION 6 - TAKE INTO CUSTODY.

- A. Village police officers, the Police Chief or the Humane Officer shall take any farm animal or livestock or any animal creating a public nuisance into custody by humane means including the use of tranquilizer guns, cage traps, and other paraphernalia so as to effect capture without risk to anyone involved.
- B. Officers, in performance of their duties may enter upon private property, except a private residence, for the purpose of apprehending animals running at large, stray animals and all animals constituting a public nuisance. The Police Chief or the Humane officer shall have the authority and is directed to investigate, upon probable cause, any alleged violation of this ordinance or any law of the State of New Mexico relating to the care, treatment and control of and prevention of cruelty to animals. The Police Chief or Humane Officer shall be authorized to inspect premises within the Village limits as necessary to perform his duties. If the owner or occupant of any premises objects to inspection or impoundment of any animal pursuant to law, a warrant for the inspection of said premises and impoundment shall be obtained from a court of competent jurisdiction. No warrant shall be necessary if probable cause exists to believe that there is an emergency requiring such inspection, investigation or impoundment.
- C. It shall be the duty of the Police Chief or the Humane Officer to provide a safe place for the keeping and caring of animals taken into custody under this ordinance, and he shall keep and care for said animals property and any failure to do so will subject him to removal by the Board of Trustees.

SECTION 7 - NOTICE OF IMPOUNDED ANIMALS - SALE OF UNCLAIMED ANIMALS.

Whenever any animal or animals mentioned in Section 6 of this act shall be taken up by the Police Chief or Humane Officer under the provisions of this ordinance, he shall at once give notice and the charges unpaid, the Police Chief or Humane Officer shall sell or cause to be sold at public sale

in the said Village such animal or animals, subject, however, to the right of the owner to redeem the same as herein provided, and shall pay out of the proceeds of said sale all legal charges of the taking, keeping, care, and sale of such animal or animals. The remainder, if any, said Police Chief or Humane Officer shall pay over the clerk of said Village for credit to the general fund and the mayor of said Village shall execute and deliver in the name of the Village a good and sufficient bill of sale to the purchaser of any such animal or animals so sold under this ordinance provided, however, that the owner of any animal or animals sold under this ordinance may at any time within ten (10) days after such sale, by appearing and making satisfactory proof of the ownership of such animal or animals, have the right to redeem such animal or animals from the purchaser thereof by paying the purchase price and reasonable compensation to such owner not to exceed one dollar (\$1.00) per day for the care and maintenance of such animal for the actual time it has been kept by such purchaser and said owner complying herewith shall also have the right to receive from the Clerk the amount received by the Village from the sale of such animal or animals less the Police Chief or Humane Officer's just and proper charges and all bills of sale hereafter executed and delivered by said mayor to the purchasers of impounded animals sold under this ordinance to the owner or owners thereof, if such owner is known or can be ascertained by reasonable diligence be ascertained by such Police Chief or Humane Officer, and if such owner of his agent shall pay all charges against said animal or animals, including the sum of one dollar (1) per day per animal as cost for keeping the same, the Police Chief or Humane Officer shall deliver such animal or animals to such owner or his agent and in event such owner shall not appear or is unknown to such Police Chief or Humane Officer and cannot by reasonable diligence be ascertained or shall fail or refuse to pay the charges, then the said Police Chief or Humane Officer shall, after the expiration or twenty-four (24) hours from the time such animal or animals were impounded, post in 72 hours conspicuous within the limit of said Village written or printed notices of the fact of such animal or animals being impounded by him, giving the date when impounded, the description of the animal or animals, and reciting the fact that the owner is unknown, or if not, has not appeared to redeem such animal or animals or has failed or refused to pay the legal charges thereon after due notice as herein provided and that unless such owner or his agent shall within five days from the posting of such notice appear and redeem said animal or animals, the same will be sold to satisfy the costs or care, maintenance and sale, giving date and place of sale. Said notice shall remain posted for a period of five days and upon the sixth day after the date of posting or upon the seventh day should the sixth day fall upon Sunday, if the animal or animals remain unclaimed ordinance shall expressly provide for the right of redemption of the same by the owner upon his compliance with this ordinance

SECTION 8 - PENALTIES.

- A. The Village may impose a fine in a sum not to exceed three hundred dollars (300.00) or imprisonment for not more than ninety (90) days or both fine and imprisonment upon any person who is found to have committed any of the following:
1. Any person who shall break open any pound wherein any animal or animals are impounded under the provisions of this ordinance or who shall remove or aid in the removal of any animals to impounded without having paid all the costs, charges, and expenses herein provided;
 2. Any person who shall hinder, delay, or obstruct any other person driving to the pound any animal or animals under the provisions of this ordinance;
 3. Any person keeping a farm animal or livestock contrary to Section 1 of this Ordinance.

SECTION 9

Ordinance No. 53 of the Village of Central, New Mexico and any other ordinance in conflict herewith is hereby repealed.

SECTION 10

An emergency exists and this Ordinance shall be in full force and effective 10 days after its passage and posting in six prominent places within the municipal boundaries of the Village of Central, New Mexico.

PASSED, ADOPTED, AND APPROVED THIS 6th DAY
OF December 1994.