

VILLAGE OF CHAMA

Ordinance No. 1983-1

ORDINANCE RELATING TO PUBLIC HEALTH AND SAFETY; REQUIRING VACCINATION, CERTIFICATION OF VACCINATION, AND REGISTRATION OF DOGS AND CATS KEPT WITHIN THE VILLAGE OF CHAMA; APPOINTING ANIMAL CONTROL OFFICERS AND PRESCRIBING THE DUTIES THEREOF; PROVIDING FOR IMPOUNDMENT OF ANIMALS RUNNING AT LARGE AND FOR FINES AND EXPENSES OF IMPOUNDMENT; RELATING TO VICIOUS OR RABID ANIMALS; EXCEPTING GUIDE DOGS FOR THE BLIND AND DEAF FROM REGISTRATION REQUIREMENTS; MAKING ILLEGAL THE CRUELTY TO ANIMALS; PROVIDING FOR MISCELLANEOUS REGULATIONS OF ANIMAL WITHIN THE VILLAGE OF CHAMA; REPEALING VILLAGE ORDINANCE NO. 1962-76; AND PROVIDING FOR AN EFFECTIVE DATE FOR THIS ORDINANCE.

SECTION 1. The short title of this Ordinance shall be the "Village Animal Control Ordinance."

SECTION 2. Any person who owns or keeps a dog or cat over the age of three months in the Village shall have the dog or cat vaccinated against rabies annually with a vaccine approved by the director of the health services division of the health and environment department of the State of new Mexico. All antirabies vaccine shall be administered by or under the supervision of a licensed veterinarian.

SECTION 3. The veterinarian who administers antirabies vaccine to any dog or cat shall issue to the owner or keeper of the dog or cat a serially numbered vaccination certificate containing the name and address of the veterinarian, the type of vaccine used, the name and address of the owner or keeper of the dog or cat, a description of the dog or cat vaccinated, the date of vaccination of the expiration date of the period of immunity. The tag shall be affixed by the owner or keeper to a collar or harness and shall be worn by the dog or cat for which the certificate is issued.

SECTION 4. Any dog or cat brought into the Village shall be securely confined by the owner or keeper until vaccinated against rabies, which vaccination shall be administered within one week after entry into the Village unless the owner or keeper has a certificate of vaccination conforms to the requirement of the Village and the State of new Mexico.

SECTION 5. The owner or keeper of any dog or cat within the Village over three (3) months of age shall register the animal with the Village Clerk of the Village of Chama, and shall pay a registration fee of \$5.00 each year for each neutered animal, or a registration fee of \$10.00 for each non-

neutered animal. The registration fee shall be assessed and payable annually.

Upon registration of each dog or cat owned or kept by a registrant, the Village shall provide a metallic tag or check to the registrant, who shall be required to attach the tag or check to the collar of the animal so registered. The tag or check shall show the number and year of registration. It shall be worn at all times by the animal.

Before any animal may be registered by the Village as required herein, it shall be vaccinated against rabies by a licensed veterinarian as required in Section 2 of the Ordinance, and the owner or keeper of the animal shall provide proof of vaccination to the Village Clerk by presenting the certificate of vaccination required by Section 3 of the Ordinance. Other evidence of vaccination from another State may be permitted as the required proof. No animal shall be registered until such certificate of vaccination is furnished, showing proper vaccination, and showing that the period of immunity has not expired. It shall be the duty of the owner or keeper of any animal kept within the Village to have such animal revaccinated for rabies within one (1) week after the expiration of each period of immunity.

SECTION 6. All registrations of animals subject to this Ordinance shall expire on April 30 of each year.

SECTION 7. The administrative officer of the Village shall appoint Village employees to serve as Animal Control Officers. Animal Control Officers are commissioned and empowered to assess any fines or other penalties which are provided for herein.

SECTION 8. "Running at Large" shall consist of being free of physical restraint beyond the boundaries of the premises of the owner or keeper.

It shall be unlawful for any person to allow his/her dog to run at large within the Village, except within the boundaries and confines of the person's own premises, and in the charge and care of the person; or, except when on a leash in public. Any dog running at large is declared to be a nuisance, a menace to the public health and safety, and shall be taken up and impounded as provided for herein. Further, the owner or keeper of any dog running at large shall be subject to a fine of \$25.00 for a first time offense, \$50.00 for a second offense, and \$100.00 for every third offense or more. In addition, the owner or keeper of a dog running at large shall be liable for the payment of all fees and expenses incurred by the Village in impounding the animal, and shall be liable for any damage caused by the animal while it was running at large.

SECTION 9. It shall be the duty of the Animal Control Officer(s) to seize and take into custody and impound any dog found running at large within the Village. The owner or

keeper of any dog so impounded shall be subject to citation and fine in accordance with Section 8 of this Ordinance.

Reasonable notice of impoundment shall be provided to the registered owner or keeper of an impounded dog which is duly tagged and registered with the Village, together with notice that the registered owner or keeper shall have two business days in which to pay the fine, costs and expenses of impoundment, and in which to claim the animal from impoundment. No dog or impounded shall be delivered to the owner or keeper without evidence of payment of the fine and cost and expenses of impoundment.

If the Animal Control Officer knows the identity of the owner or keeper of an impounded dog which is not properly tagged and registered with the Village, reasonable notice of impoundment as provided for in the previous paragraph shall be given the owner or keeper, together with all other notices provided for in the previous paragraph. All fines, costs and expenses of impoundment shall be paid, and evidence of payment presented to the Animal Control Officer, before any dog so impounded may be released. Further, the owner or keeper of an untagged and unregistered dog must secure proper registration as required herein prior to the release of the animal from impoundment.

All dogs impounded for running at large in violation of this Ordinance shall be held for a period of two regular business days. Any animal may be given away for adoption after the impoundment period has expired, if the properly noticed owner or keeper has failed to claim the animal, or has failed to present evidence of payment of all fines, costs and expenses assessed pursuant to the Ordinance, and also, if the dog was not properly tagged and registered, has failed to secure evidence of proper registration. After passage of the required period without proper payment, without proper registration, or both, or without any person coming forward to claim the dog so impounded, any person desired to adopt the animal may do so, and may take possession and ownership of the animal upon payment of all costs and expenses of impoundment and upon presentation of evidence of proper registration of the animal.

If there is no person who desired to adopt an impounded animal after the required period has expired without payment, without registration, or both, the Animal Control Officer, or any municipal law enforcement officer at the request of the Animal Control Officer, shall destroy the animal and shall properly dispose of its body.

SECTION 10.

A. It is unlawful for any person to keep any animal known to be vicious and liable to attack and injure human beings unless such animal is securely kept so as to prevent injury to any person. It is unlawful to keep any unvaccinated dog or cat or any animal which has show any symptom of rabies, except that, if such animal has bitten a human being, it shall be confined for a ten-day period. If the animal dies during the confinement period, the head shall be immediately sent to a laboratory by the district health officer.

B. The head of any animal suspect of having died of rabies shall be immediately sent to a laboratory designated by the state health services division of the health and environment department under such procedures as specified by the division.

Every fierce, dangerous, or vicious dog, when running at large upon the street or in any public place, is hereby declared to be a public nuisance, and it shall be the duty of the Animal Control Officer or any municipal police officer to take up and confine any such dog, or, if reasonable necessary, to kill any such dog at once, whether or not the dog is registered. Every dog shall be deemed fierce, dangerous or vicious that shall run after, chase, or attempt to bite any person.

SECTION 11.

A. When any person is bitten by an animal, it is the duty of such person or his parent or guardian and of the owner or keeper of the animal immediately to notify the state district health officer. Except as provided in Subsection B of this section, the owner or keeper of the animal immediately and at his own expenses, shall confine it securely for ten days at a place designated by the district health officer. Every physician shall, within twenty-four hours after his first professional attendance upon a person bitten by an animal having or suspect of having rabies, report to the district health officer the name, age, sex and address of the person bitten.

B. If the person bitten is bitten by a dog and if the owner of the dog produced a valid and unexpired certificate of vaccination for the dog issued under Section 77-1-4 NMSA 1978 evidencing vaccination at least three weeks prior to the bite, then the owner shall be permitted to keep the dog at his own premises for the required period of ten days. Owner confinement shall be permitted by the district health officer if he has declared his area of jurisdiction a rabies-free area. No animal may be released from confinement except by a person designated by the state district health officer.

SECTION 12. Any dog or cat bitten by an animal unknown or proved to be rabid shall be killed immediately by its owner or by a peace officer, provided that any dog or cat which has been vaccinated at least three weeks before being bitten shall be confined for ninety days. At the end of the confinement period the dog or cat shall be released if declared free of rabies by a licenses veterinarian. If as determined by the veterinarian, the dog or cat develops rabies during the period of confinement, the owner or keeper shall have it killed and properly disposed of.

SECTION 13. Any person who shall break into any place or pound wherein any animal is kept or impounded under the provision of this Ordinance, or who shall remove or aid in the removal of any animal so kept or impounded without having paid all the costs, charges and fees herein provided for, or who shall hinder, delay or obstruct the Animal Control



Officer or any police officer in the performance of his duties as prescribed herein, or who shall violate any of the other provisions of the Ordinance shall upon conviction be punished by a fine of \$100.00 or imprisonment in the County or Village jail for a period not exceeding thirty days, or by both such fine and imprisonment in the discretion of the Court.

SECTION 14. No person shall debar a guide dog that is trained by a recognized guide dog school to lead a blind person or a deaf person in any place of public accommodation such as a restaurant, hotel, hospital, store, common carrier, or any place of public entertainment, such as a theater, swimming pool or any place of public amusement, provided such dog is under the control of a blind or deaf person. Blind or deaf person shall not be required to pay any additional charges for their guide dogs, but shall be liable for any damage done to any property by their dogs. Any person violating this section shall be guilty of a misdemeanor and subject to a fine of not more than twenty-five (\$25.00).

SECTION 15. No registration fee shall be charged for guide dogs trained to lead a blind person or a deaf person. Any person violating this section is guilty of a petty misdemeanor and shall be fined ten dollars (10.00) and costs.

SECTION 16. It is unlawful for any person to allow any animal to persistently or continuously bark, howl, or make noise common to their species, or otherwise to disturb the peace and quiet of the inhabitants of the Village of Chama, or to keep or maintain animals in such a manner as to disturb by noxious or offensive orders, or otherwise endanger the health and welfare of another person. Violation of this section shall be punishable by a fine of \$10.00 for a first conviction, \$25.00 for a second conviction, and \$50.00 for the third and every subsequent conviction.

SECTION 17. It is unlawful for the owner of any animal to permit, either willfully or through failure to exercise due care or control, any such animal to commit any nuisance upon any property other than the owners of the animal, and then only so long as no other provision of this Ordinance is violated. The penalties contained in Section 16 of this Ordinance shall apply.

SECTION 18. It is unlawful for any person to remove any license tag for one animal to another or to remove a license tag from an estray [sic] without lawful permission. Violation of this section shall be punishable by a fine of \$10.00.

SECTION 19. It is unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, kick, beat with a stick, chain, club or other object; mutilate, burn or scald with any substance, any animal, except that reasonable force may be employed to drive off vicious or trespassing animals. Violation of this section shall be punishable by a fine of \$100.00.

SECTION 20. It is unlawful for any person to drive or work any animal cruelly. Violation of this section shall be punishable by a fine of \$100.00

SECTION 21. It is unlawful for any person to fail, refuse or neglect to provide any animal in his charge or custody, as owner or otherwise with proper food, drink, shade, care or shelter, or to carry an animal in or upon any vehicle in a cruel or inhumane manner. Any animal habitually kept outside shall be provided with a structurally sound, weatherproof enclosure, large enough to accommodate the animal. Violation of this section shall be punishable by a fine of \$100.00.

SECTION 22. It is unlawful for any person having charge, custody, or ownership to abandon any animal. All animals which are to be abandoned may be turned over to the Animal Control Center or an Animal Shelter for adoption.

SECTION 23. It is unlawful for any person by any means to make accessible to any animal, with the intent to cause, harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. It is not the intent of this section to prohibit the use of poisonous substances for the control of vermin of significance to the public health. Violation of this section shall be punishable by a fine of \$100.00.

SECTION 24. Whenever the Village finds that any animal is or will be without proper care because of injury, illness, incarceration or absence of the owner or person responsible for the care of such animal, the Village may take up such animal for protective care; and in the event of sickness or injury upon the advice of a licensed veterinarian, the Village may take such action as called for to prevent undue pain and suffering including, immediate destruction of the animal.

SECTION 25. Every operator of a motor or other self-propelled vehicle upon the streets and ways shall immediately, upon injuring striking, maiming or running down any animal, give such aid as is reasonably able to be rendered. In the absence of the owner, he shall immediately notify the Village furnishing sufficient facts relative to such injury.

Every such operator shall remain at or near the scene until such time as the appropriate authorities arrive, and upon the arrival of said person, such operator shall immediately identify himself to the appropriate authorities. Alternatively, in the absence of the owner, a person may give aid by taking the animal to a veterinary hospital or the Animal Control Center and notifying the Village. Such animal shall be deemed an abandoned animal within the meaning of Section 22 above. This provision does not apply to operators of emergency vehicles.

SECTION 26. It is unlawful to hobble livestock or other animals by any means which may cause injury or damage to any animal.



SECTION 27. It is unlawful to have, keep or harbor any animal which is infected with any dangerous or incurable or painfully crippling condition except as hereinafter provided. The Village may impound such diseased or painfully crippled animal in accordance with the provisions of this Ordinance. All such animals impounded following examination and approval by a veterinarian may be destroyed humanely as soon thereafter as is conveniently possible. In the case of destruction of such animal, the Village shall not be required to give any of the aforesaid notices provided in this Ordinance. This section shall not be construed to include veterinary hospitals, or animals under active veterinary care.

SECTION 28. It is unlawful for any person to promote, stage, hold, manage, conduct, carry on or attend any game, exhibition, contest or fight in which one or more animals is engaged for the purpose of injuring, killing, maiming or destroying themselves or any other animal. Violation of this section shall be punishable by a fine of \$300.00.

SECTION 29. It is unlawful to confine any wild or domestic fowl unless provisions are made for the proper feeding and the furnished of water to such fowl or bird at intervals not longer than twelve (12) hours. It is unlawful to impound any wild or domestic fowl or bird in a crate, box, or other enclosure, which does not permit the fowl or bird impounded therein to stand in a naturally erect position. Violation of this section shall be punished by a fine of \$100.00.

SECTION 30. It is unlawful to willfully kill any bird, or to molest or rob the nest of a bird. Violation of this section shall be punishable by a fine of \$100.00.

Section 31. Municipal Ordinance 1962-76 if repealed.

SECTION 332. The effective date of this Ordinance is 5/26/1983.

PASSED and ADOPTED on 5/11, 1983

APPROVED: (Mayor)

ATTEST: (Village Clerk)