

VILLAGE OF MAGDALENA

MAGDALENA ANIMAL CONTROL ORDINANCE 1999-06

BE IT ORDAINED that the Village of Magdalena Board of Trustees does hereby establish an animal control ordinance for the Village of Magdalena as follows:

ARTICLE I: Short Title / Purpose of Chapter

This chapter shall be known and may be cited as the "Magdalena Animal Control Ordinance". It is the intent of the Village Government that enactment of this Ordinance will protect animals from cruelty, neglect, and abuse, protect residents from annoyance and injury, assist in providing housing for animals in a control center, finance the functions of licensing and recovery and establish a program for sterilization of animals.

ARTICLE II: Definitions

As used in this Ordinance, the following terms shall have the meaning given herein.

Abuse: to maliciously beat, maim, disfigure, torture, violently set upon or kill any domestic animal.

Abandon: means to leave a domestic animal without food, water or shelter for more than 24 hours on one's premises, or, to dump or leave off a domestic animal on property other than one's own without the consent of the owner of the property where the domestic animal is left and without making provision for the adequate feeding, watering and shelter of the domestic animal.

Adoption: means the retrieval of a domestic animals from the animal shelter by choice and assume responsibility for proper care in accordance with this Ordinance.

Animal: any vertebrate member of the animal kingdom excluding human beings.

Animal-At-Large: any animal not under the restraint of a person capable or controlling the animal and /or off the premises of the owner.

Animal Shelter: any facility operated by a humane society, or municipal agency or its authorized agents, for the purpose of impounding animals under the authority of this Ordinance or state law for care, confinement, return to owner, adoption or euthanasia.

Animal Control Officer: any person designated by the State of New Mexico, Village of Magdalena as a law enforcement officer qualified to perform such duties under the laws of this state.

Attack: means to bite or scratch or chase.

Bite or Scratch: means an abrasion, scratch, puncture, tear or piercing of the skin or clothing caused by a domestic animal's mouth or claws, respectively.

Breeder: a person involved in controlled breeding of dogs or cats, for the purpose of sale or show.

Dangerous Animal: means any of the following:

1. An animal which, when unprovoked engages in behavior that requires a defensive action by a person to prevent bodily injury to a person or animal when the person and the animal are off the property of the owner of animal; or
2. An animal which, when unprovoked, injures a person and the injury results in muscle tears or disfiguring lacerations, or require multiple sutures, or corrective or cosmetic surgery; or
3. An animal, which, because of its poisonous bite or sting, would constitute a significant hazard to the public.

Domestic Animal: includes cats, dogs, wolf hybrids, coyote known hybrids, coyotes, domestic ferrets and other animals commonly and kept as domestic pets.

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

Grooming Shop: a commercial establishment where animals are bathe, clipped, plucked or otherwise groomed.

Guard Dog: any dog that is utilized to protect commercial property.

Impound: to take up an animal.

Kennel: any commercial establishment or premises where ten or more dogs or cats over three months of age are boarded, kept or maintained for any purpose whatsoever, with the exception of stated inspected veterinary hospital and shelters.

Licensed Veterinarian: a person with a Doctor of Veterinary Medicine Degree licensed to practice in the state.

Licensing Authority: the Village of Magdalena or its agents.

Nuisance: means but is not limited to, defecation, urination, disturbing the peace, emitting noxious or offensive odors or otherwise endangering or offending the well-being of the inhabitants of the Village of Magdalena.

Owner: means any person, group of persons, or business entity who owns, keeps, harbors, or permits animal(s) to remain in, on, or about his or her premises.

Person: any individual, household, firm, partnership, corporation, company, society, association, and every officer, agent or employee thereof.

Pet Shop: an establishment or premises maintained for the purchase, sale, exchange or hire of animals except livestock.

Premises: are defined as a parcel of land and the structures thereon.

Quarantine: is to detain or isolate an animal suspected of having a contagious disease.

Reclaim: means the retrieval of a domestic animal from the animal shelter by its owner or responsible person.

Refuge: means an establishment owned or operated by a non-profit organization whose sole function is to aide and comfort more than four (4) but not more than twelve (12) animals.

Responsible Person: means an owner of a domestic animal or any adult person otherwise responsible for the care of a domestic animal.

Restraint: means keeping a domestic animal under the immediate control of a responsible person on a leash or lead no more than eight feet in length; or keeping a domestic animal in a fenced or caged area from which the domestic animal cannot escape; or under the demonstrable voice control of a responsible person.

Socorro Animal Shelter: animal shelter belonging to the City of Socorro with a joint powers agreement with the Village of Magdalena.

Socorro County Sheriff: any law enforcement person employed by Socorro County.

Stray: means the running at large of a domestic animal, without restraint, beyond the boundaries of the premises of the owner of that domestic animal.

Vaccination: is protection provided against rabies by inoculation with anti-rabies vaccine recognized and approve by the state.

Vicious Animal: any animal which kills, or severely injures (so as to result in muscle tears or disfiguring lacerations, require multiple sutures or corrective or cosmetic surgery) a person or domesticated animal, but does not include an animal which bites, attacks or injures a person or animal which is unlawfully upon its owner's premise, or which is provoked.

Village: the Village of Magdalena an incorporated municipality.

Wild or Exotic Animal: any animal not normally considered domesticated and shall include, but not be limited to: (A) Class Reptilian; Order Phidia (such as racers, boas, alligators, caymans and crocodiles); (B) Following members of the Class Aves; Order Falconiforms (such as hawks, eagles and vultures) and Subdivision Tatitae (such as ostriches, rheas, cassowaries and emus); (C) Class Mammalia: Order Carnivora Family Felidae, (such as ocelots, margays, tigers, jaguars, leopards and cougars) except commonly accepted domesticated cats, the Family Canidae, (such as wolves, dingos, coyotes and jackals, except domesticated dogs) Family Mustelidae (such as kangaroos and common possums), Order Edentata (such as sloths, anteaters and armadillos), Order Proboscidea (elephants), Order Primate (such as monkeys, chimpanzees and gorillas), Order Rodentia (such as porcupines) and Order Ungulata (such as antelope, deer, bison and camels).

ARTICLE III: Controlled Activities

Section 1. Stray Domestic Animals

Responsible persons shall not allow any domestic animals in their custody to stray.

Section 2. Confinement of Vicious Domestic Animals

No person may keep or harbor domestic animals that demonstrate unprovoked attacks on human beings, or which might have a propensity to attack humans, unless confined so that the animal cannot attack any person. The responsible person shall post the enclosure on all sides with prominent notice of the threat posed by the animal confined therein.

Section 3. Disturbing the Peace

3.A Responsible persons shall not allow any domestic animals in their custody to persistently or continuously bark, howl or yowl.

3.B No person may keep domestic animals in conditions or in such numbers so as to result in noxious or offensive odors or accumulations of feces, urine or other bodily wastes, or confine them in such conditions so as to become unmanageable and potentially vicious.

3.C Responsible persons shall not allow any domestic animals in their custody to attack people in any location where people are lawfully located.

3.D Responsible persons shall not allow any domestic animals in their custody to attack animals that are located on their owner's property, confined or under the physical restraint of a responsible person.

Section 4. Unlawful Use of Vaccination Certificates

No person may remove any vaccination tag from one domestic animal to another, or manufacture or cause to be manufactured or to possess or control a stolen, counterfeit or forged animal vaccination certificate or tag.

Section 5. Physical Abuse

No person may maliciously beat, maim, disfigure, torture, violently set upon or kill any domestic animal. However, any person may employ reasonable force to drive off vicious or trespassing domestic animals, and owners of livestock may use the rights confirmed to them by Section 77-1-2 NMSA 1978. Further, this Ordinance shall not be construed to limit the ability of any responsible person to humanely slaughter any animal commonly kept as livestock.

Section 6. Neglect

Responsible persons shall not deprive any domestic animals of shelter, food, and water or care necessary to maintain the animal's health. Further, responsible persons shall not place their animal in a situation that poses a substantial threat to the animal's life.

Section 7. Poisoning

No person may deliberately or intentionally feed to or set out to be ingested by any domestic animal any substance that is treated or prepared with any harmful or poisonous substance.

Section 8. Abandonment

No person may abandon, or cause to be abandoned, any domestic animal.

ARTICLE IV: OWNER'S DUTIES

4-1 Rabies Vaccinations: it is the duty of all persons owning or keeping a dog or cat over the age of three (3) months to have such animals vaccinated against rabies. The rabies vaccination shall be given in an amount sufficient to provide immunity from rabies for at least one (1) year or provide immunity from rabies for three (3) years as provided by State law and shall be administered by a licensed veterinarian. A certificate from a licensed veterinarian shall be evidence of vaccination. The Village of Magdalena may require other animals to receive annual rabies vaccination. The veterinarian administering anti-rabies vaccine to any animal shall issue to the owner or keeper of the animal a numbered vaccination certificate. The certificate shall contain the name and address of the owner or keeper of the

animal, a description of the animal vaccinated the date of vaccination and the expiration date of the period of immunity.

It is unlawful for the owner or keeper of any dog or cat to fail to exhibit its certificate of vaccination upon demand by the Village.

4-2 Rabid Animal: an animal that has rabies or shows signs of having rabies and every animal bitten by another animal afflicted with rabies or that has been exposed to rabies shall be confined at once in a secure place by the owner. A person who knows or who has reason to know that an animal is infected with rabies or has been exposed to rabies shall immediately upon learning of the infection notify the Village or the Socorro County Sheriff Department as to the place where the animal is confined and shall surrender said animal to the Animal Control Officer upon demand. The Village or the Socorro County Sheriff's Department shall then deal with the rabid animal pursuant to state law.

4-3 Biting Dog, Etc.:

A. The owner of an animal that bites a person and a person bitten by an animal shall report that occurrence to the Village or the Socorro County Sheriff's Department within twenty-four (24) hours. The owner of an animal that bites a person shall surrender said animal to the Animal Control Officer if the officer deems it necessary to impound said animal for a period of observation as provided by law.

B. Any physician or medical professional that renders treatment to a person bitten by an animal shall report that fact to the Village and the State Health Department within twenty-four (24) hours of their first professional attendance. The physician or medical professional shall give the name and address of the owner of the animal that inflicted the bite, if known, and any other facts or details that may assist the Village in ascertaining the immunization status of the animal.

C. An animal that bites a person shall be confined securely at a place and for a period of time deemed necessary by the Village. The owner of the animal shall bear the cost of confinement. The Village may consent to confinement on the owner's premises but only if the animal has a current rabies vaccination at the time the bite was inflicted. The premises where the home confinement is to occur shall be inspected and approved for such purposes by an Animal Control Officer. The owner of the animal shall be required to enter into an indemnity agreement on a form approved and prescribed by the Village before consent may be given for such home confinement.

A person who has custody of an animal that has bitten a person shall immediately notify the Village if the animal shows any signs of sickness, abnormal behavior or if the animal escapes

confinement. If the animal dies while it is in confinement, the person having custody of the animal shall notify the Village or an Animal Control Official and relinquish any claims to said animal.

4-4 Restraint of Animals: it is unlawful to permit dogs in the streets or public places, unless on a secure leash and under the immediate physical control of the person having custody thereof.

4-5 Animals on Unenclosed Premises: it is unlawful for any person to chain, stake out, graze or herd any animal including, but not limited to, a dog, or cat, on any unenclosed premises so any part of the animal extends onto or over a sidewalk, alley, street, or other Village property or beyond the owner's property line.

4.6 Restraint Devices: a rope, chain or other device may be used to restrain an animal, provided the following criteria are met:

(A) The device must be affixed to the animal by use of a non-abrasive, comfortably fitted collar or harness.

(B) The device must be at least 12 feet long unless such length would violate 4-5 "Animals on Unenclosed Premises." In which case it shall be no less than eight feet long. The device must be fastened so the animal can sit, walk and lie down comfortably, and must be unobstructed by objects that may cause the device or animal to become entangled or strangled.

4-7 Confinement of Female Dogs or Cats in Mating Season: Any person in control of a female dog or cat in mating season shall confine the dog or cat as to preclude other dogs or cats from either attacking or being attracted to such female animal.

4-8 Dog and Cat Licenses:

A. Any person owning, keeping, harboring or having custody of any dog or cat three months of age or older within the Village of Magdalena must obtain license as herein provided.

B. Written application for licenses, which shall include the name and address of applicant, description of the animal, the appropriate fee, sterilization certificate and rabies certificate issued by a licensed veterinarian shall be made to the licensing authority.

C. If not revoked, licenses shall be in effect through December 31st. and shall be renewed annually.

D. Application for a license must be made within 30 days after obtaining a dog or cat three months of age or older; this requirement shall not apply to a nonresident keeping a dog or cat within the Village of Magdalena for not longer than 30 days.

E. License fees shall not be required for certified Seeing Eye dogs, hearing dogs, governmental police dogs, or other certified service animals that are trained to assist the physically challenged.

F. Upon acceptance of the license application and fee, the licensing authority shall issue a durable tag stamped with an identifying number and the year of issuance; and the licensing authority shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public at all times.

G. The current license tag shall be affixed to the licensed animal at all times in a reasonable manner, unless the licensed animal is being kept in an approved kennel, veterinary hospital, is appearing in an approved show or is being trained; provided that the person who is training shall have in his personal possession the valid license tag for each animal and shall immediately display such upon request by an Animal Control Officer, or other law enforcement officer.

H. No person may use any license for any animal other than the animal for which it was issued.

I. License Fees

Unneutered Male....\$20.00

Unspayed Female....\$20.00

Neutered Male.....\$5.00

Spayed Female.....\$5.00

Duplicate License...\$2.00

ARTICLE V: COMMERCIAL ANIMAL LICENSES

A. No person, partnership or corporation shall operate a commercial animal establishment without first obtaining a license in compliance with this section.

B. The licensing authority shall adopt regulations for the issuance of licenses and shall include requirements for humane care of all animals and for compliance with the provisions of this Ordinance and other applicable laws. The licensing authority may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of animals.

C. When a license applicant has shown the willingness and ability to comply with the regulations of the licensing authority, a license shall be issued upon payment of the applicable fee.

D. The license period shall begin March 15 of each year and shall run for one year. Renewal applications for licenses shall be made 30 days prior to and up to 60 days after, the start of the designated one-year period. Application for a license to establish a new commercial animal establishment under the

provisions of this Ordinance may be made at any time.

E. If there is a change in ownership of a commercial animal establishment the new owner shall have the current license transferred to his/her name upon payment of a \$25.00 transfer fee.

F. Annual licenses shall be issued upon payment of the applicable fee:

- ...Kennel/Breeder authorized to house 4 to 9 dogs.....\$150.00
- ...Kennel/Breeder authorized to house 10 to 50 dogs...\$200.00
- ...Pet Shop.....\$50.00
- ...Riding/Boarding/Training Stables.....\$50.00
- ...Grooming Shop.....\$50.00
- ...Circus or Carnival with Animal Acts.....\$300.00

G. Every facility regulated by this Ordinance shall be considered a separate enterprise requiring an individual license.

H. No fee may be required of any veterinary hospital, animal shelter. However, such facilities shall be subject to the provisions of this Ordinance regulating standards of humane care of animals, sanitary conditions and any provisions enacted for the health, safety and welfare of the public. Licenses may be denied any facility found to be in violation of these provisions.

I. Failure to obtain a license before opening or operating any facility covered in this section shall result in a penalty assessment of not less than \$200.00.

J. After an application is filed, the licensing authority shall inspect the facility prior to issuing the license. The licensing authority may revoke any license if the person holding the license refuses or fails to comply with this Ordinance, the regulations enacted by the licensing authority, or any law governing the protection and keeping of animals.

K. Any person whose license is revoked shall, within 10 days thereafter humanely dispose of all animals kept, owned or harbored. No part of the license fee shall be refunded.

L. It shall be a condition of the issuance of any license that the licensing authority shall be permitted to inspect all animals and the premises where the animals are kept at any time and shall, if permission for such inspection is refused, revoke the license of the refusing owner.

M. If the applicant has withheld or falsified any information on the application, the licensing authority shall refuse to issue a license.

N. No person who has been convicted of cruelty to animals shall be issued a license to operate a commercial animal establishment within the Village of Magdalena.

ARTICLE VI: ANIMAL CONTROL OFFICER, AUTHORITY

Section 1: Animal Control Officer

The Village of Magdalena shall have at least two (2) personnel, (Marshal and/or Deputies) cross-trained for animal control and shall, under a duly adopted joint powers agreement, work with the Animal Control Officers of the City of Socorro and Socorro County.

Section 2: Authority of the Animal Control Officer

Subject to constitutional limitations, Animal Control Officers shall have the following authority:

2.A To require responsible persons to exhibit proof of rabies vaccination for any dog, cat or domestic ferret in their custody.

2.B To enter upon private property to affix any summons, notice or official document upon the door of any residence occupied by a responsible person.

2.C To enter upon any premises or go upon unenclosed parcels of land or enter any pen, enclosure, yard or vehicle to enforce this Ordinance. However, the Officer must personally view any violation prescribed by this Ordinance that would place a domestic animal in immediate peril. Further, the Officer may enter only to the extent necessary for the immediate rescue of an imperiled animal.

2.D To impound any stray domestic animals or any domestic animals found confined or treated contrary to the provisions of this Ordinance.

Section 3: Responsibilities of the Animal Control Officer

3.A Any Animal Control Officer shall make every attempt to impound any domestic animal that he or she finds running stray and not under the control of the owner or responsible person.

3.B Any Animal Control Officer shall destroy any dog he or she finds in the act of pursuing or wounding livestock or wounding and killing poultry or attacking humans.

3.C Any Animal Control Officer shall destroy any domestic animal exhibiting symptoms of rabies. The Animal Control Officer shall have any such animals tested for rabies by the New Mexico

Department of Health.

Section 4: Entry to Buildings

No Animal Control Officer may enter any building, dwelling or place of business without the permission of the owner. However, nothing in this section limits the authority of an Animal Control Officer pursuant to a warrant issued by a court of competent jurisdiction.

ARTICLE VII: IMPOUNDMENT, ADOPTION, RECLAIM AND DISPOSAL OF DOMESTIC ANIMALS

Section 1: Impoundment of Stray Domestic Animals

Animal Control Officers or the Magdalena Marshal's department may impound any stray domestic animal.

1.A If a stray domestic animal is wearing a license, collar, anti-rabies tag, has an identifying tattoo, micro chip or is otherwise identifiable, the animal shall be impounded for at least seven days, unless during that time the animal has been adopted or reclaimed by its owner. During the first three days of impoundment, the Village shall attempt, at least once daily to notify the animal's owner(s) or responsible person(s) of the impoundment by either direct communication or oral or written message. However, the Village need not make successive notification attempts if a preceding attempt was successful. Further, the Village shall not release the animal for adoption during the first six days or impoundment.

1.B If a stray domestic animal is not wearing a license, tag or other identification, the Village shall impound it for at least four days and may release the animal for adoption during that time.

1.C If an owner or responsible person contacts the Village before the expiration of the impoundment period, but cannot arrange to reclaim the animal before the impoundment period expires, the Village shall assist the owner or responsible person in making alternative arrangements, at the owner or responsible person's expense.

Section 2: Agreement Required for Adopting a Domestic Animal

The Village shall not release any domestic animal for adoption unless the adopting person is at least 18 years of age and signs a reclaim/adoption agreement, the form of which shall be titled Appendix B "Reclaim/Adoption Agreement" and shall be adopted by the Village of Magdalena Board of Trustees in a resolution separate from this Ordinance. The reclaim/adoption agreement shall:

2.A obligate the adopting person to vaccinate any animal not proven to be vaccinated for rabies, and

2.B obligate the adopting person to have a domestic animal younger than six months of age sterilized when it is no older than six months old, and domestic animals six months of age or older sterilized within thirty days of the date of adoption.

Section 3: Agreement Required for Reclaiming a Domestic Animal

The Village shall not release any domestic animal for reclaim unless the owner or responsible person signs a reclaim/adoption agreement, the form of which shall be titled "Appendix B: Reclaim/Adoption Agreement" and shall be adopted by the Village of Magdalena Board of Trustees in a resolution separate from this Ordinance. The reclaim adoption agreement shall:

3.A obligate the adopting person to vaccinate any animal not proven to be vaccinated for rabies, and

3.B obligate the owner or responsible person to fulfill one of the following:

3.B.1 to have a domestic animal younger than six months of age sterilized when it is no older than six months old, and domestic animals six months of age or older sterilized within thirty days of the date of reclaiming; or,

3.B.2 to keep the animal confined or restrained in such a way as to prevent its unintended breeding.

Section 4: Sterilization Deposit Required; Forfeiture

4.A The Village shall require a sterilization deposit, given in "Appendix A: Schedule of Fees" to be adopted by the Village of Magdalena Board of Trustees in a resolution separate from this Ordinance, prior to the adoption or reclaim of each domestic animal. However, the Village may not require a sterilization deposit if the animal is proven to be sterilized or, in the case of a reclaim, the owner or responsible person agrees to keep the animal confined or restrained in such a way as to prevent its unintended breeding.

4.B An owner or responsible person shall forfeit the sterilization deposit paid for a domestic animal that is subsequently impounded and not proven to be sterilized.

Section 5: Rabies Vaccination Deposit Required; Forfeiture

5.A The Village shall require a rabies vaccination deposit, given in "Appendix A: Schedule of Fees" to be adopted by the Village of Magdalena Board of Trustees in a resolution separate from this Ordinance, prior to the adoption or reclaim of each domestic animal. However, the Village may not require a rabies vaccination deposit if the animal is proven to be vaccinated.

5.B An owner or responsible person shall forfeit the rabies vaccination deposit paid for a domestic animal that is

subsequently impounded and not proven to be sterilized.

Section 6: Intact Animal Fee

In the case of a reclaim where the owner or responsible person agrees to keep the animal confined or restrained in such a way as to prevent its unintended breeding, the Village shall require payment of an intact animal fee, in accordance with Section 77-4-20(F), NMSA 1978, given in Appendix A: Schedule of Fees, to be adopted by the Village of Magdalena Trustees in a resolution separate from this Ordinance, prior to the reclaim of each domestic animal.

Section 7: Impoundment Fee

The Village shall require payment of an impoundment fee, given in Appendix A: Schedule of Fees, to be adopted by the Village of Magdalena Board of Trustees in a resolution separate from this Ordinance, prior to the reclaim of any domestic animal.

Section 8: Adoption Fee

The Village shall require payment of an adoption fee, given in Appendix A: Schedule of Fees, to be adopted by the Village of Magdalena Board of Trustees in a resolution separate from this Ordinance, prior to the adoption of any domestic animal.

Section 9: Refund of Sterilization and/or Rabies Vaccination Deposit

The Village shall reimburse the sterilization and/or rabies vaccination deposit to the adopting or reclaiming person only upon presentation of an original receipt from a veterinarian that the animal is sterilized and/or vaccinated.

Section 10. Destruction of Unclaimed Domestic Animals

The Village shall destroy any impounded domestic animal not adopted or reclaimed within seven days of being impounded, unless other acceptable arrangements have been made pursuant to Article VII, Section 1.c of this Ordinance.

ARTICLE VIII: PENALTIES FOR VIOLATIONS

Violations of this Ordinance shall be punishable by a fine of up to three hundred dollars (\$300.00) and/or imprisonment of no more than ninety days, or both.

ARTICLE IX: REPEALING CLAUSE

All other Village of Magdalena Ordinances relating to domestic animal control and which are in conflict with the above provisions are hereby repealed by the adoption of this Ordinance.

ARTICLE X: SAVING CLAUSE

If any section, sub-section, sentence, clause or phrase of this Ordinance is held invalid for any reason, the validity of the

remaining portions of this Ordinance shall not be affected.

APPROVED, ADOPTED AND PASSED on this _____ day of

_____, 1999

ATTEST:

Mayor

Village Clerk/Treasurer

**VILLAGE OF MAGDALENA
RESOLUTION 99-17**

WHEREAS, the Village of Magdalena Board of Trustees has adopted the Village of Magdalena Animal Control Ordinance Number 99-06 and

WHEREAS, Article VII of the Village of Magdalena Animal Control Ordinance, Ordinance Number 99-06, requires the Village of Magdalena to adopt an Appendix A: Schedule of Fees, by a resolution separate from the Ordinance;

NOW, THEREFORE BE IT RESOLVED, by the Village of Magdalena Board of Trustees that it adopts the following Schedule of Fees to serve as Appendix A to the Village of Magdalena Animal Control Ordinance, Ordinance Number 99-06

APPENDIX A: SCHEDULE OF FEES

The Village shall assess the following fees as required by Article VII of the Village of Magdalena Animal Control Ordinance, Ordinance Number 99-06 before releasing any domestic animal:

| | |
|---|-------------|
| Sterilization Deposit..... | \$25 |
| Rabies Vaccination Deposit..... | \$25 |
| Intact Animal Fee (male animals)..... | \$55 |
| Intact Animal Fee (female animals)..... | \$85 |
| Impoundment Fee..... | \$5 per day |

Adoption Fee.....\$20

APPROVED, ADOPTED AND PASSED This _____ day of _____, 1999

ATTEST: _____
Mayor

Village Clerk/Treasurer

**VILLAGE OF MAGDALENA
RESOLUTION 99-18**

WHEREAS, the Village of Magdalena Board of Trustees has adopted the Village of Magdalena Animal Control Ordinance, Ordinance Number 99-06, and

WHEREAS, Article VI of the Village of Magdalena Animal Control Ordinance, Ordinance Number 99-06, requires the Board of Trustees to adopt a form reclaim/Adoption agreement titled "Appendix B: Reclaim/Adoption Agreement" by a resolution separate from the Ordinance;

NOW, THEREFORE BE IT RESOLVED, by the Village of Magdalena Board of Trustees that it adopts the following Reclaim/Adoption Agreement to serve as Appendix B to the Village of Magdalena Animal Control Ordinance, Ordinance Number 99-06

APPENDIX B: RECLAIM/ADOPTION AGREEMENT

IMPOUND NO. _____

**RECLAIM/ADOPTION AGREEMENT
BETWEEN MAGDALENA ANIMAL SHELTER AND**

Name (Print) _____
Last First MI

Driver's License No. _____ SSN _____ DOB _____

Address _____

City, State, Zip Code _____

Phone(h) _____ (W) _____

ANIMAL INFORMATION

Type _____ Name _____ Breed _____ Weight _____

Color _____ Sex _____ Age _____ License # _____

**FOR AND IN CONSIDERATION OF RECEIVING THE ANIMAL DESCRIBED HEREIN,
THE UNDERSIGNED AGREES TO THE FOLLOWING (circle the number of all
that apply)**

1. To care for and treat the animal humanely and comply with the Animal Control Ordinance of Socorro County and the Village of Magdalena.
2. To have the animal vaccinated for rabies by a veterinarian or under his/her supervision by _____, and to pay any vaccination fees required by the veterinarian.
3. To have the animal surgically sterilized by a veterinarian by _____, and to pay any sterilization fees required by the Veterinarian.
4. To keep the animal confined or restrained in such a way as to prevent its unintended breeding (this option is not available for persons adopting a domestic animal).
5. To allow Animal Control to repossess the animal, to become subject to any legal action allowed by law and, if applicable, to forfeit the sterilization or rabies vaccination deposit for failure on the undersigned's part to

comply with this agreement.

FAILURE TO COMPLY WITH THE TERMS OF THIS AGREEMENT WILL RESULT IN LEGAL ACTION AS SET FORTH BY LAW.

Signature of adopting/reclaiming(circle one) party Date

.....
To be completed by Licensed Veterinarian upon Sterilization and/or Rabies Vaccination, and returned with original certificate for refund of Sterilization and/or Rabies Vaccination Deposit.

I certify that the above animal was Sterilized, and/or
(circle one or both) Vaccinated for Rabies

Clinic _____

Clinic Address _____

Signature of Veterinarian Date

APPROVED, ADOPTED AND PASSED THIS ____ day of _____,

ATTEST: _____
Mayor

Village Clerk/Treasurer

**VILLAGE OF MAGDALENA
RESOLUTION**

WHEREAS, the Village of Magdalena Board of Trustees has determined that the health, safety, and general welfare of the residents of the Village of Magdalena would be best served by adoption of an Animal Control Ordinance; and

WHEREAS, the Village of Magdalena Board of Trustees should have a local group of citizens concerned and knowledgeable on humane animal care, health and welfare, to work in an advisory capacity; and

WHEREAS, the Animal Control Commission, have established the existing rabies and spay/neuter clinic.

NOW, THEREFORE BE IT RESOLVED, that the Village of Magdalena Board of Trustees hereby established an Animal Control Ordinance for the Village of Magdalena, and

BE IT FURTHER RESOLVED that the Village of Magdalena Board of Trustees, acting in the capacity of the Governing Body, appoints the Animal Control Commission to:

1. Review the budget for animal control, the animal shelter and operations. To make recommendations to the Village of Magdalena Board of Trustees on standards for building and maintenance of the holding facility.

2. Advise the Village of Magdalena Board of Trustees on rules and regulations concerning the operation of the animal shelter, standards for collection, care, custody and disposal of public nuisance animals.

3. Review and advise the Village of Magdalena Board of Trustees on all joint power agreements for animal control.

4. The Commission shall assist in fund raising activities, and in the recruitment of volunteers for the shelter operation.

5. Sit with the Village of Magdalena Board of Trustees on a grievance hearing board for citizen appeals.

APPROVED, ADOPTED, AND PASSED on this _____ day of _____, 2000